

No.

406-2

Office of State Engineer  
DOCUMENT FILE

State of Tennessee, of Holcomb,  
Laura Mae Holcomb Dunn, Executive  
Clyde H. Dunn, Elizabeth R. Dunn  
+ Virginia L. Dunn, heirs  
Rapid City, S. Dakota

District: Rapid Creek  
Source of water: Blount Co. Res.  
Treatment Plant Effluent  
County: Bennington  
Section 21-24N-R9E-BHM.

Engineer: Calvin Vondra  
Address: Brookings, S.D.

Map # 434-2

1-25-55

The n-12, n-1  
appe

NO. 44-2Water Division No. 2

(Blanks to be filled by the State Engineer.)

RECEIVED

NOV 2 1954

## APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

OFFICE OF STATE ENGINEER

PIERRE, SOUTH DAKOTA

~~EUGENE H. DUNN, ELLSWORTH, VIRGINIA E. PATTERSON~~

1. Name of applicant ~~EUGENE H. DUNN, ELLSWORTH, VIRGINIA E. PATTERSON~~  
~~James Mac Holcomb Dunn, Executive of the State of Pierre J. Holcomb,~~  
~~deceased, Eugene H. Dunn, Elizabeth F. Dunn and Virginia E. Dunn~~  
 Postoffice address Box 2, Rapid City, County Pennington, State South Dakota.  
2785 044 AVE,

I. If a corporation

- (a) Name of same DeJong Brothers  
 (b) Date and place of incorporation Kennebec, SD 57544  
 (c) Amount of capital stock  
 (d) Amount paid in  
 (e) Names and address of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

## II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Employment of others  
 (b) Cash on hand, \$ 5,000.00 (c) Treasury stock, \$ -----  
 (d) Bonds to be issued, \$ ----- (e) Other resources, \$ -----

2. Name of diversion work Holcomb Ditch3. Quantity of water claimed 4.5 cubic feet per second.4. Source of water supply Boxing Ellsworth Air Base Treatment plant Effluent5. Location of point of diversion 270 ft. S68° 00' E of the NW corner Section 27,TABLE OF AREAS BY LEGAL SUBDIVISION 1987 ent. Pennington County

| Subdivision   | Section | Area  | Ac. |
|---------------|---------|-------|-----|
| SE 1/4 NW 1/4 | 27      | 1.32  | ac. |
| NE 1/4 SW 1/4 | 27      | 1.32  | ac. |
| NW 1/4 NE 1/4 | 27      | 3.33  | ac. |
| SW 1/4 NE 1/4 | 27      | 28.24 | ac. |
| NE 1/4 NE 1/4 | 27      | 5.91  | ac. |
| SE 1/4 NE 1/4 | 27      | 36.40 | ac. |
| NE 1/4 SE 1/4 | 27      | 3.91  | ac. |
| NE 1/4 SE 1/4 | 27      | 5.45  | ac. |
| NW 1/4 NW 1/4 | 26      | 5.67  | ac. |
| SW 1/4 NW 1/4 | 26      | 27.65 | ac. |
| NE 1/4 NW 1/4 | 26      | 7.63  | ac. |
| SE 1/4 NW 1/4 | 26      | 34.72 | ac. |
| NW 1/4 SW 1/4 | 26      | 1.32  | ac. |
| NE 1/4 SW 1/4 | 26      | 0.69  | ac. |
| NW 1/4 NE 1/4 | 26      | 23.93 | ac. |
| SW 1/4 NE 1/4 | 26      | 33.22 | ac. |
| NE 1/4 NE 1/4 | 26      | 32.91 | ac. |
| SE 1/4 NE 1/4 | 26      | 34.72 | ac. |
| NW 1/4 SE 1/4 | 26      | 8.20  | ac. |
| NE 1/4 SE 1/4 | 26      | 0.64  | ac. |

Total Irrigable Acreage: 318.00 ac.

All acreage in T2N, R9E, B.H.W.

8. Estimated cost of works:

(a) Head gates, \$.....100.00 (b) Pumping plant, \$.....None.....  
 (c) Flaming, \$.....232.00..... (d) Canal-earth, \$.....600.00..... Rock, \$.....None.....  
 (e) Other structures none.....\$..... Total, \$.....932.00.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Diversion Dike and Ditch.....

II. Dimensions of works:

(a) Dam: Height.....9.....feet; length at bottom.....20.....feet; length at top.....100.....feet; thickness at bottom.....51.....feet; thickness at top.....10.....feet; slope at front water face.....3 - 1.....; slope of back face.....2 - 1.....; material used in construction.....Earth.....  
 (b) Reservoir: Capacity when filled......23.....acre feet. Surface area at highwater mark......25.....acres.

| DEPTH AT OUTLET-FEET                                                                           | SURFACE AREA AT EACH.....1.....FEET DEPTH AT OUTLET-ACRES | ACRE-FEET CAPACITY |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------|
| 3.0                                                                                            | 10,000 Sq. ft.                                            | .23                |
| 2.0                                                                                            | 7,500 Sq. Ft.                                             | .15                |
| 1.0                                                                                            | 3750 Sq. ft.                                              | .05                |
| No. storage contemplated however the pond will hold .23 acre-feet at emergency spillway level. |                                                           |                    |
|                                                                                                |                                                           |                    |
|                                                                                                |                                                           |                    |
|                                                                                                |                                                           |                    |
|                                                                                                |                                                           |                    |

(c)\* Head gate: Width.....2.0ft. Diam.....feet; height.....feet;  
 Material.....Calco gate type No. 101.....

(d) Canal: Total length.....two.....miles.

| LOCATION BELOW HEADGATE | DEPTH      | BOTTOM WIDTH | WIDTH AT WATER LINE | GRADE PER MILE |
|-------------------------|------------|--------------|---------------------|----------------|
| At 0.5 Mile             | 2.0 feet   | 5.0 feet     | 6.0 feet            | 5.3 feet       |
| At 1.0 Mile             | 2.0 feet   | 5.0 feet     | 6.0 feet            | 5.3 feet       |
| At 1.5 Mile             | 2.0 feet   | 5.0 feet     | 6.0 feet            | 5.3 feet       |
| At 2.0 Mile             | 2.0 feet   | 5.0 feet     | 5.5 feet            | 5.3 feet       |
| At ..... Mile           | ..... feet | ..... feet   | ..... feet          | ..... feet     |
| At ..... Mile           | ..... feet | ..... feet   | ..... feet          | ..... feet     |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work .....Four..... years.

11. Time required for complete application of water to the proposed beneficial use .....five..... years.

12. Choice of newspaper for publication of notice of intention to appropriate .....

Rapid City Journal, Rapid City, South Dakota.....

STATE OF ~~SOUTH DAKOTA~~ <sup>CALIFORNIA</sup>

County of Los Angeles.....} ss.

I, Laura Mae Holcomb Dunn....., being first duly sworn on my oath depose and say: That my relation to the above described, undertaking is that of owner, that I have read the above foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed Laura Mae Holcomb Dunn.....

Executrix of the Estate of Fannie J. Holcomb, Deceased

Subscribed and sworn to before me this 12th day of October, 1954

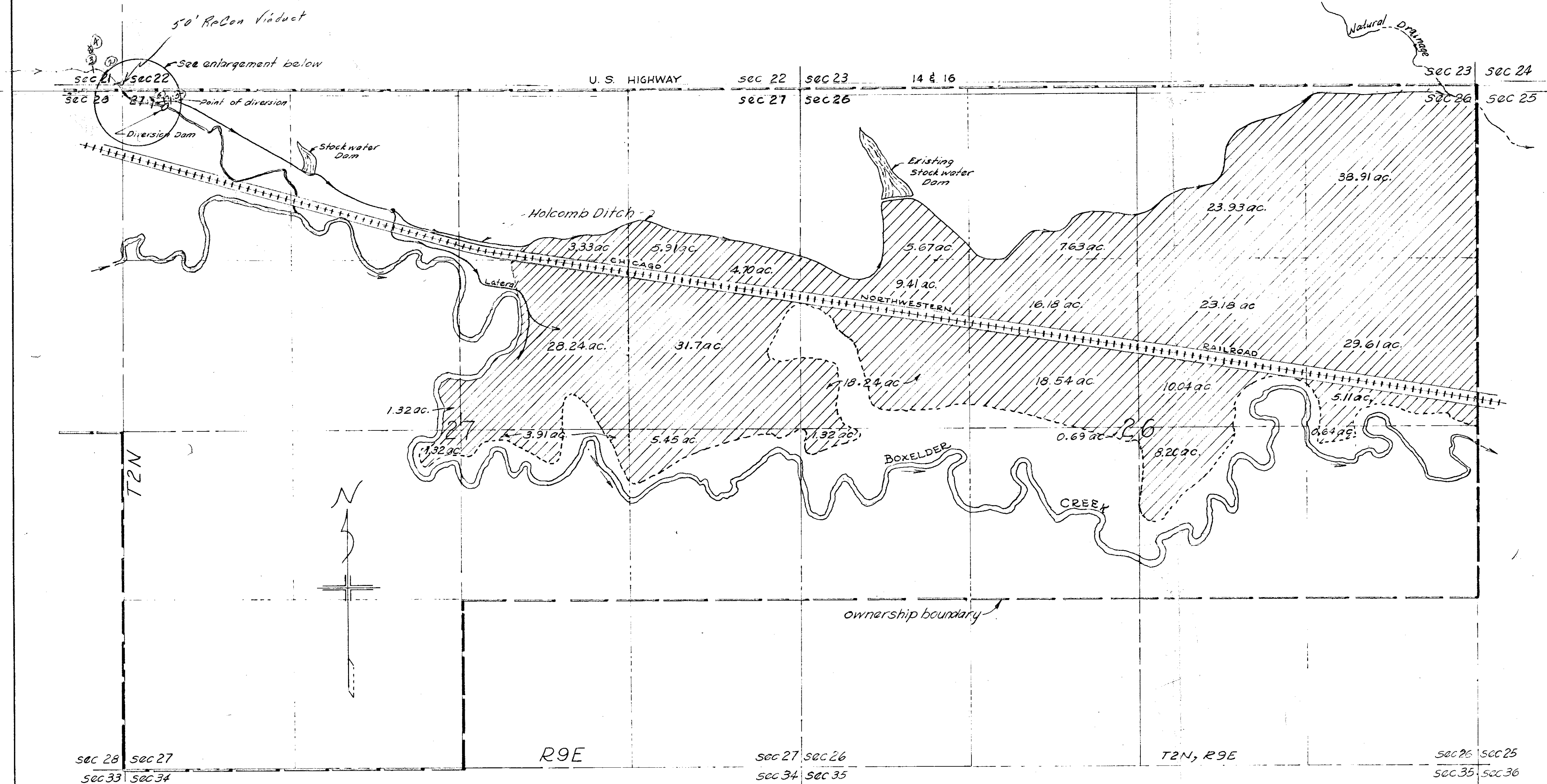
Notary Public (or other qualified officer.)

NOTARY PUBLIC

AND FOR THE COUNTY OF LOS ANGELES STATE OF CALIFORNIA  
 MY COMMISSION EXPIRES AUGUST 20, 1955

\*Each diversion must have a headgate or measuring device.

State Engineer.



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.  
COUNTY OF BROOKINGS

I, Calvin Vaudrey, a Registered Land Surveyor in the State of South Dakota, do hereby certify that, at the request of Laura Mac Holcomb Dunn, Executrix of the Estate of Fannie J. Holcomb, deceased; Eugene H. Dunn, Elizabeth F. Dunn and Virginia L. Dunn, owners, did survey the tracts of irrigable land within their ownership boundaries for which application for an appropriative water right is made and that this map is a true representation thereof.

In Witness Whereof, I have hereunto set my hand and seal this 26<sup>th</sup> day of October, A.D. 1954

Calvin Chaudry  
Registered Land Surveyor

STATE OF SOUTH DAKOTA S.S.  
COUNTY OF BROCKINGS

On this day, before me, the undersigned, a Notary Public within and for said state and County, personally appeared Calvin Vaudrey, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness My Hand, I have hereunto set my hand and seal this 24 day of October, A.D. 1954

Thelma M. Bebo  
Notary Public

My Commission Expires Dec. 12 1954

AREA MAP  
Scale: 1" = 500'

| <u>Subdivision</u>                | <u>Section</u> | <u>Area</u> |               |
|-----------------------------------|----------------|-------------|---------------|
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 27             | 1.32        | ac            |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 27             | 1.32        | ac            |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 27             | 3.33        | ac            |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 27             | 28.24       | ac            |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 27             | 5.91        | ac            |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 27             | 36.40       | ac            |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 27             | 3.91        | ac            |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 27             | 5.43        | ac            |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 26             | 5.67        | ac            |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 26             | 27.65       | ac            |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 26             | 7.63        | ac            |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 26             | 34.72       | ac            |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 26             | 1.32        | ac            |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 26             | 0.89        | ac            |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 26             | 2.93        | ac            |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 26             | 33.22       | ac            |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 26             | 38.91       | ac            |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 26             | 34.72       | ac            |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 26             | 8.00        | ac            |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 26             | 0.64        | ac            |
| <u>Total 1,146.46 Acres</u>       |                |             | <u>310.00</u> |

All acreage in T2N, R9E, B.H.M.

(406-2 *Water Right Number*)

434-2 *Map number*

# WATER RIGHTS MAP

SHOWING AREA AND DIVERSION POINT  
FOR PERMIT TO APPROPRIATE WATER

LAURA MAE HOLCOMB DUNN, EUGENE H. DUNN,  
ELIZABETH F. DUNN AND VIRGINIA L. DUNN-OWNERS

CALVIN VAUDREY - SURVEYOR                      OCTOBER 25, 1954

See Attachment "A"

STATE OF SOUTH DAKOTA

County of

Hughes

Pierre, South Dakota,

May 5

1964

This is to certify that the foregoing application was received at this office at 8:20 o'clock  
a m. upon the 2nd day of November, 1954 and that after examination it  
was found to comply with the South Dakota water laws, was published in accordance with the provisions  
thereof and consideration given to any and all information presented.

Number of permit

406-2

Date of first receipt of application

November 2, 1954

Date of return to applicant for correction

Date of receipt of corrected application

Nov

Date from which applicant may claim right

November 2, 1954

Approved

March 11, 1964

Recorded in Book

8

Page

178

This is to certify that I have examined the foregoing application for a permit to appropriate  
water of the State of South Dakota, and I hereby grant the same as stated herein, subject, however,  
to the following limitations and conditions:

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or  
before March 11, 1966

2nd. The whole of said work is to be completed on or before March 11, 1968

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith  
is March 11, 1969

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Da-  
kota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 4.5  
cubic feet per second; neither shall it exceed the capacity of the above described system  
of diversion works, nor the least amount of water that experience may hereafter indicate as neces-  
sary for the production of crops in the exercise of the best husbandry; and further, said appropria-  
tion must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of  
time for each acre of land to which water is actually and beneficially applied for irrigation on or  
before March 11, 1969; said water to be used during the following described an-  
nual period:

April 1 thru November 1

Witness my hand this

5th

day of

May

1964

Certificate of Construction issued

SEPTEMBER 23, 1968

Water License issued

SEPTEMBER 23, 1968

Chief Engineer

Executive Officer

STATE OF SOUTH DAKOTA )  
COUNTY OF PENNINGTON ) ss.

I, Eugene H. Dunn, being first duly sworn on my oath, depose and say: That my relation to the above described undertaking is that of owner; that I have read the above foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Subscribed and sworn to before me this 19th day of October, 1954.

My commission expires:  
May 25, 1958

Alice H. Farrington  
Notary Public, South Dakota

STATE OF CALIFORNIA )  
County of Los Angeles ) ss.

I, Virginia L. Dunn, being first duly sworn on my oath depose and say: That my relation to the above described, undertaking is that of owner, that I have read the above foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed Virginia L. Dunn

Subscribed and sworn to before me this 13th day of October, 1954

S. R. JEWETT  
Notary Public (or other qualified officer.)

NOTARY PUBLIC in and for the County  
of Los Angeles, State of California

My Commission Expires November 20, 1956

City STATE OF CALIFORNIA )  
County of San Francisco ) ss.

I, Elizabeth F. Dunn being first duly sworn on my oath depose and say: That my relation to the above described, undertaking is that of owner, that I have read the above foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed Elizabeth F. Dunn

Subscribed and sworn to before me this 15th day of October, 1954

Margaret M. Lynch  
Notary Public (or other qualified officer.)

Notary Public in and for the County of San Francisco,  
State of California  
My Commission Expires 1956

APPLICATION #406-2

Attachment "A"

This permit is approved with the following restrictions:

- (1) Diversions shall be made only during the periods of time that one cubic foot per second or more is flowing in Box Elder Creek downstream from the mouth of the water course from which the diversions are made.
- (2) Diversions are subject to the rotation agreement dated February 25, 1964, between Mr. Andrew Melka (405-2) and Mr. Eugene H. Dunn (406-2).
- (3) This permit covers use of return flows from Ellsworth Airbase uses, consequently such availability of unappropriated water is conditioned upon continuing return flows from the Airbase, but no demands upon the Airbase for the continuance of flows is covered by this permit.

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 406-2

WHEREAS, On the 2nd day of November A. D. 1954  
 Laura Mae Holcomb Dunn, Eugene Dunn, Elizabeth F. Dunn and Virginia L.  
 Dunn  
 of Rapid City County of Pennington and State of  
 South Dakota duly made application (No. 406-2) to us for a permit to use 4.5  
 cubic feet per second of the waters of Ellsworth Air Base Treatment Plant Effluent  
 County of Pennington, State of South Dakota, for irrigation  
 purposes; and

WHEREAS, On the 5th day of May A. D. 1964  
 Permit No. 406-2 was issued to said applicant for the diversion of said water, and providing for the  
 completion of the works of diversion therein described on or before the 11th day of  
 March A. D. 1968 and for the application to beneficial use of said  
 water on or before the 11th day of March A. D. 1969  
 and, whereas on the 23rd day of September, 1968, the permit was transferred  
 to Eugene H. Dunn, Elizabeth F. Wills and Virginia L. Philhower.

WHEREAS, On the 6th day of September A. D. 1968  
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.5  
 cubic feet per second of said waters, as evidenced by our Certificate No. 406-2  
 dated September 23, 1968 confirming the completion of works of sufficient capacity for  
 diverting and conveying to the place of intended use 4.5 cubic feet per second of water, with date of  
 priority of November 2, 1954 and,

WHEREAS, On the 6th day of September A. D. 1968  
 proof was duly made of the application to beneficial use of 4.5 cubic feet per second of said water;  
 for irrigating 318 acres in portions of Sections 26 & 27, T2N, R9E.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,  
We hereby grant and confirm to Eugene H. Dunn, Elizabeth F. Wills, & Virginia L. Philhower

of Rapid City the holder E. and owner E. of said permit No. 406-2

a water right, dating from November 2, 1954 to the use of 4.5

Ellsworth Air Base Treatment Plant Effluent  
cubic feet per second of the waters of \_\_\_\_\_

In the County of Pennington and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point S 68° E, 270 feet from the NW Corner, Section 27, T2N, R9E.

and conducted to and upon portions of Sections 26 & 27, T2N, R9E, more specifically described in the Certificate of Completion of Works

for the purpose of Irrigation, subject to any limitations listed in the Permit to Appropriate Water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
this 23rd day of September A. D. Nineteen  
Hundred and Sixty-eight

State Water Resources Commission

By:

**J.W. GRIMES**  
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Am't \_\_\_\_\_ c. f. s.

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 406-2

Water Division No. 2 Rapid Creek Water District

## Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Eugene H. Dunn, Elizabeth F. Wills and Virginia E. Philhower

of Rapid City, County of Perrington, and State of South Dakota, the holder of Permit No. 406-2, issued upon Application No. 406-2, bearing date of priority of November 12, 1954, authorizing the diversion of 4.5 cu. ft. per second of the waters of Ellsworth Airbase plant effluent County of Perrington, State of South Dakota, at a point S 68° E, 270 ft. from the NW corner, Section 27, T2N, R9E. for irrigation

purposes, have fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.5 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: all in T2N, R9E

|            |                                   | <u>ACRES</u>  |
|------------|-----------------------------------|---------------|
| Section 26 | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 5.67 acres    |
|            | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 27.65         |
|            | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 7.63          |
|            | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 34.72         |
|            | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 1.32          |
|            | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 0.69          |
|            | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 33.91         |
|            | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 33.22         |
|            | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 38.91         |
|            | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 34.72         |
|            | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 8.20          |
|            | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 0.64          |
| Section 27 | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 1.32          |
|            | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 1.32          |
|            | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 3.33          |
|            | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 28.24         |
|            | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 5.61          |
|            | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 36.40         |
|            | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 3.91          |
|            | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 5.45          |
|            | <b>Total</b>                      | <b>316.00</b> |

Witness my hand this 23rd day of September A. D. 19 68

State Water Resources Commission

By:

J. H. GRIMES  
Chief Engineer, Executive Officer

RECEIVED

DEC 9 1954

OFFICE OF STATE ENGINEER  
PIERRE, SOUTH DAKOTA

Nov 16, 13, 30, Dec. 7,  
APPROPRIATION OF WATER  
Office of State Engineer,  
Pierre, S. Dak., November 4, 1954

Notice is hereby given that Laura Mae Holcomb Dunn, Executive of Estate of Jennie J. Holcomb, whose postoffice address is Route 2, Rapid City, S. Dak., has made an application in accordance with the provisions of the laws of South Dakota for a right to appropriate water to be used for the irrigation of the 4.5 cubic feet of water to be used for time from the 1st of January, 1955, Ellsworth Air Base, South Dakota, through the 1st of January, 1956, the point of diversion of water to be located on the left bank at a point 270' E 69' degrees of the N.W. corner of Section 26, T. 27N., R. 18W., S. 24S., and water to be used for the purpose of providing irrigation on the following described land:

3.5 Acres in Section 26, T. 27N., R. 18W., S. 24S., for purposes.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 14th day of December, 1954, at 2:00 P. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS  
State Engineer  
cc: Vaudrey  
Commanding Officer  
Ellsworth Air Base  
Rapid City, S. Dak.

## Affidavit of Publication

STATE OF SOUTH DAKOTA }  
County of Pennington } ss.

E. H. LIGHTER, of Rapid City, in said County, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, the agent of the publisher named, designated and appointed as such for the purposes herein set forth, by resolution and action of its Board of Directors, of The JOURNAL PUBLISHING CO. of Rapid City, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY DAILY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bona fide circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY DAILY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each

..... week..... for... four..... successive... weeks....., the first publication thereof being on the ..... 16th..... day of .. November..... 19. 54, and the last publication thereof being on the ..... 7th..... day of .... December..... 19. 54, that the fees charged for the publication thereof are ... fifteen..... Dollar and. ... 60..... cents.

E. H. Lighter

Subscribed and sworn to before me this... 7th... day of  
..... December..... 19. 54..

.....  
Notary Public.

(First Publication                     , 19    )

**CORRECTED SUPPLEMENTAL NOTICE  
APPROPRIATION OF WATER**

Office of State Engineer,

Pierre, S. Dak., December 10, 1954

Notice is hereby given that Laura Mae Holcomb Dunn, Executrix of Estate of Fannie J. Holcomb, whose postoffice address is Route 2, Rapid City S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.5 cubic feet of water per second of time from the Ellsworth Air Base Treatment Plant through the Holcomb Ditch, (but not including the natural flow from Box Elder Creek), the point of diversion of which is to be located on the left bank at a point 270' 968' 2 of the NW corner of Section 27, T2N, R9E left bank of said stream in the                      of Section                     

Range Said water to be used for the purpose of providing irrigation on the following described land:

318 Acres in Sections 26 and 27, T2N, R9E

and for stock water purposes.

has been continued to January 14, 1955 at 2:00 P.M. (MST) and  
This application will be taken up by the State Engineer at his office at Pierre for consideration upon the  
at that time.  
day of All persons who believe that their prior

rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

State Engineer

DWL:RW  
cc: Audrey  
Applicant - 2

DEAN W. LOUCKS  
State Engineer



*File Copy*

## INTER-DEPARTMENT CORRESPONDENCE

### State of South Dakota

FROM DEPT OF OFFICE OF STATE ENGINEER TO DEPT OF DEPARTMENT OF STATE ENGINEER  
SUBJECT WATER APPLICATION 405-2, ESTATE OF DATE JANUARY 15, 1955  
FANNIE HOLCOMB, RAPID CITY

A hearing was held in the Office of State Engineer as advertised, at 2:00 P. M., January 14, 1955. Those present representing the applicant were Eugene H. Dunn of Rapid City and Engineer Calvin Vaudrey of Brookings. Also present representing a previous water application, (No. 405-2), Andrew Melka, the applicant for that project. Those present protesting the application No. 405-2, were as follows:

Joseph R. Spevak, Box Elder  
Carl F. McDonald, New Underwood  
W. C. Quinn, New Underwood  
Jim Quinn, New Underwood  
C. M. Sheen, New Underwood  
Chas. Fleming, representing City of New Underwood  
Martin Printz, representing Phillips Ranch

To assist the State Engineer was Wm. Knight from the Attorney General's Office and Fred Henson, Natural Resources Engineer.

The problem resolved itself in a conflict between the applicant who was applying for water under the appropriative doctrine as contained in South Dakota code and water users on lower Box Elder who were claiming all of the water flowing into Box Elder Creek by virtue of their vested riparian rights. In other words, the problem involved the old basic conflict which exists in South Dakota law between riparian doctrine procedure and the appropriative doctrine procedure.



# INTER-DEPARTMENT CORRESPONDENCE

## State of South Dakota



FROM DEPT OF \_\_\_\_\_ TO DEPT OF \_\_\_\_\_  
SUBJECT PAGE 2 WATER APPLICATION 406-2 DATE JANUARY 15, 1955

The only way of resolving the conflict in the particular situation on Box Elder Creek was to either reject the application and leave the matter to be governed by the riparian doctrine method which would undoubtedly result in numerous conflicts and possible court action or to get a voluntary acceptance by the group of the appropriative doctrine which would provide an orderly way of distributing the water in question. The hearing resulted in the later solution.

The land owners present whose lands lay along Box Elder Creek below New Underwood agreed to accept the appropriative doctrine procedure, provided the applicant would shorten his season for irrigating to a period from April 1 to August 1, rather than to November 1 which he had stated in the application. This the applicant agreed to and the permit will be issued for the annual period April 1 to August 1 during which time water may be used. This restricted period does not apply to stock water use by the applicant.

OFFICE OF STATE ENGINEER

DEAN W. LOUCKS  
State Engineer

DWL:EW



# INTER-DEPARTMENT CORRESPONDENCE

## State of South Dakota



FROM DEPT OF OFFICE OF STATE ENGINEER TO DEPT OF OFFICE OF STATE ENGINEER  
SUBJECT WATER APPLICATIONS 405-2 & 406-2 DATE January 28, 1955

On January 27, 1955 a group of objectors, including those named previously, to the above water rights appeared without appointment to discuss further their objections to the above water applications of Mr. Andrew Melka and Eugene Dunn or the Holcomb Estate.

The sense of their conversation indicated that they were reconciled to accept the date of April 1 to August 1 for the Holcomb application but they were opposed to any grant on the Box Elder Creek proper to Mr. Melka.

They also questioned the amount of water available from the Air Base source and volunteered to have the flow measured and report same to me. I agreed to hold up the granting of the permit pending a report from them as to such measurement and I told them that if the information was reliable it would be given full consideration before processing the application and permit. There is, of course, no stream flow records on the dry draw or on Box Elder Creek to assist this Office in arriving at the amount of water available and in making the original decision it was necessary to take such reports as were forthcoming from people in the area. However, in order to verify these reports and after the above water flow had been questioned and on the morning of January 28, I called Mr. Ken Damm of the U. S. G. S. and asked him if he would have the flow measured for this Office over a period of at least a year. This he readily agreed to do and the permit will be withheld pending the results of these measurements.

As a matter of file record, the information came back to this Office that after the group of objectors had left my Office they visited a Legislative Committee hearing on water law revision and brought up in that meeting the matter of whose responsibility it was to measure such water. They had not heretofore requested such measurement but had volunteered that they would like to be authorized to do such measuring or have same done. Also while in the Governor's Office, the Governor's Secretary B. B. Lee informed me that they had been in that Office with the same complaint that they were being asked to make water flow measurements which they claimed was really the responsibility of the State Engineer's Office. I informed Mr. Lee of the exact situation as it happened in the conference with these men and how they had apparently had twisted the facts in order to discredit this Office. The measurements are now being made and the permits will be withheld until information is received relative to the amount of water available.

OFFICE OF STATE ENGINEER

*Dean W. Loucks*  
DEAN W. LOUCKS  
State Engineer

DWL:RW

Observer none-----

G. H. of zero flow ..... ft. Sheet No. .... of ..... sheets.

9-275c  
(August 1949)

COPY

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION  
DISCHARGE MEASUREMENT NOTES

Mass. No. 12  
Camp. by AWG  
Checked by ERS

Boxelder Trib. nr Boxelder, S. Dak.

Date AUG. 1, 1956 Party Gurl  
Width 9' Area 8.19 Vel. 11 G. H. Disch. .90  
Method 6 No. secs. 13 G. H. change 0.00 in 33 hrs. Susp. Rod  
Method coef. 1.03 Hor. angle coef. 1.00 Susp. coef. 1.00 Meter No. 2955

| GAGE READINGS     |          |        |         | Date rated Oct. 1953 | Used rating                                 |
|-------------------|----------|--------|---------|----------------------|---------------------------------------------|
| Time              | Recorder | Inside | Outside |                      |                                             |
| a) 8:00           |          |        |         |                      | for rod susp. Meter ft.                     |
|                   |          |        |         |                      | above bottom of wt. Tags checked            |
|                   |          |        |         |                      | Spin before meas. after                     |
|                   |          |        |         |                      | Meas. plots % diff. from rating             |
|                   |          |        |         |                      | Wading, cable, ice, boat, upstr., downstr., |
|                   |          |        |         |                      | side bridge 150 feet, mile, above,          |
| f) 8:20           |          |        |         |                      | below gage, and bridge on U.S. 16           |
| 8:25              |          |        |         |                      | Check-bar, chain found                      |
|                   |          |        |         |                      | changed to at                               |
| Weighted M. G. H. |          |        |         |                      | Correct                                     |
| G. H. correction  |          |        |         |                      | Levels obtained                             |
| Correct M. G. H.  |          |        |         |                      |                                             |

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section Uniform-earth

Flow slow Weather cool-cloudy

Other Air ° F. @

Gage none Water ° F. @

Record removed none Intake flushed U.  
L.

Observer none

Control Maybe constricted downstream causing slow velocities.

COPY

9-275-G (Single 6 x 6)  
(July 1956)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION  
DISCHARGE MEASUREMENT NOTES

Mass. No. 22  
Camp. by A. J. C.  
Checked by R. H. C.

Phoned to WRC  
6-27-56 H. I. J.

Boxelder Trib. nr Boxelder, S. Dak.

Date June 22, 1955 Party Gurl  
Width 6.51 Area 2.62 Vel. 32 G. H. Disch. .50  
Method 5.5 No. secs. 12 G. H. change 0.00 in 33 hrs. Susp. Rod  
Method coef. 1.03 Hor. angle coef. 1.00 Susp. coef. 1.00 Meter No. 2955

| GAGE READINGS     |          |        |         | Date rated Oct. 1953 | Used rating                                      |
|-------------------|----------|--------|---------|----------------------|--------------------------------------------------|
| Time              | Recorder | Inside | Outside |                      |                                                  |
| 11:10             |          |        |         |                      | for rod susp. Meter ft.                          |
|                   |          |        |         |                      | above bottom of wt. Tags checked                 |
|                   |          |        |         |                      | Spin before meas. after                          |
|                   |          |        |         |                      | Meas. plots % diff. from rating                  |
|                   |          |        |         |                      | Wading, cable, ice, boat, upstr., downstr., side |
|                   |          |        |         |                      | bridge 70 feet, mile, above, below               |
|                   |          |        |         |                      | gage, and bridge on U.S. 16                      |
| 11:50             |          |        |         |                      | Check-bar, chain found                           |
|                   |          |        |         |                      | changed to at                                    |
| Weighted M. G. H. |          |        |         |                      | Correct                                          |
| G. H. correction  |          |        |         |                      | Levels obtained                                  |
| Correct M. G. H.  |          |        |         |                      |                                                  |

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section Uniform-earth

Flow Regular Weather cool-clear

Other Air 70 ° F @ 11:10

Gage none Water 70 ° F @

Record removed none Intake flushed U.  
L.

Observer none

Control clear

Remarks

G. H. of zero flow

RECEIVED  
MAY 11 1957

STATE WATER RESOURCES COMM  
PIERRE, SOUTH DAKOTA

C O P Y  
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION  
DISCHARGE MEASUREMENT NOTES

Meas. No. ....

Comp. by AWCChecked by EMSBox Elder tributary nr Box Elder, S. D.Date May 22, 1956 Party Carl  
Width 5' Area 2.36 Vel. .35 G. H.        Disch. .83  
Method B-6 No. secs. 2 G. H. change 0.00 in 33 hrs. Susp. Rod  
Method coef. 1.02 Hor. angle coef. 1.00 Susp. coef. 1.00 Meter No. 2955

| GAGE READINGS          |                |          |                       |              |
|------------------------|----------------|----------|-----------------------|--------------|
| Time                   |                | Recorder | Inside                | Outside      |
| <u>2:20</u>            | <u>tape to</u> |          | <u>H<sub>2</sub>O</u> | <u>12.65</u> |
| <u>2:25</u>            |                |          |                       |              |
| <u>2:45</u>            |                |          |                       |              |
| <u>2:50</u>            |                |          |                       | <u>12.65</u> |
| Weighted M. G. H. .... |                |          |                       |              |
| G. H. correction ....  |                |          |                       |              |
| Correct M. G. H. ....  |                |          |                       |              |

Date rated Oct. 1953 Used rating  
for rod ..... susp. Meter ..... ft.  
above bottom of wt. Tags checked .....  
Spin before meas. .... after .....  
Meas. plots ..... % diff. from ..... rating  
Wading, cable, ice, boat, upstr., downstr.,  
side bridge at diver feet, mile, above,  
810 ft  
below gage, and 75 ft. below  
bridge  
Check-bar, chain found .....  
changed to ..... at .....  
Correct .....  
Levels obtained .....Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based  
on following conditions: Cross section Uniform - earthFlow Regular - slow Weather cloudy - warmOther ..... Air 69 ° F. @ .....Gage None Water 60 ° F. @ .....Record removed none Intake flushed { U. ....  
L. ....Observer NoneControl Appears to be clearC O P Y  
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION  
DISCHARGE MEASUREMENT NOTES

Meas. No. ....

Comp. by AWCChecked by EMSTributary to Box Elder Cr. nr. Box ElderDate Apr 5, 1956 Party Carl  
Width 10' Area 9.33 Vel. .31 G. H.        Disch. 2.91  
Method B-6 No. secs. 20 G. H. change 0.00 in 50 hrs. Susp. Rod  
Method coef. .99 Hor. angle coef. 1.00 Susp. coef. 1.00 Meter No. 2955

| GAGE READINGS          |           |          |        |              |
|------------------------|-----------|----------|--------|--------------|
| Time                   |           | Recorder | Inside | Outside      |
| <u>3:50</u>            | <u>pm</u> |          |        | <u>12.15</u> |
|                        |           |          |        |              |
|                        |           |          |        |              |
|                        |           |          |        |              |
| <u>4:20</u>            | <u>pm</u> |          |        | <u>12.15</u> |
| Weighted M. G. H. .... |           |          |        |              |
| G. H. correction ....  |           |          |        |              |
| Correct M. G. H. ....  |           |          |        |              |

Date rated Oct. 1953 Used rating  
for rod ..... susp. Meter ..... ft.  
above bottom of wt. Tags checked .....  
Spin before meas. .... after .....  
Meas. plots ..... % diff. from ..... rating  
Wading, cable, ice, boat, upstr., downstr.,  
side bridge 10 ~~500~~ mile, above,  
~~xxxxxxx~~ diversion channel  
Check-bar, chain found .....  
changed to ..... at .....  
Correct .....  
Levels obtained .....Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based  
on following conditions: Cross section Uniform - earth - softFlow Regular Weather Rain - snow - cold

Other ..... Air ..... ° F. @ .....

Gage from ds. side bridge Water ..... ° F. @ .....Record removed None Intake flushed { U. ....  
L. ....Observer NoneControl Normal - clear

Remarks .....

G. H. of zero flow ..... ft. Sheet No. .... of ..... sheets.

C O P Y

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

### DISCHARGE MEASUREMENT NOTES

Mem. No. \_\_\_\_\_

Comp. by .....

Checked by E19

Tributary to Box Elder Cr. nr. Box Elder, S. Dak.  
Date Nov. 7, 1955 Party Hedman  
Width 5.5 Area 2.31 Vel. 28 G. H. Dis. h. .65  
Method No. secs. 12 G. H. change in hrs. Sup. rod.  
Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 1.00 Meter No. 259

[illegible]

Date rated 4-28-45 Use rating  
for rod ..... susp. Meter ..... ft.  
above bottom of wt. Tags checked .....  
Spin before meas. .... after .....  
Meas. plots ..... % diff. from ..... rating  
Wading, cable ~~has been exposed~~, downstr.,  
~~slack bridge~~ 50 feet, ~~also above~~,  
below ~~gauge and diversion~~ (in canal)  
Check-bar, chain found .....  
changed to ..... at .....  
Correct .....  
Levels obtained .....

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section ..... Spacing .....

Flow Slow Weather cold

Other \_\_\_\_\_ Air \_\_\_\_\_ ° F. @ \_\_\_\_\_

Gage ..... Water ..... ° F. @ .....

Record removed \_\_\_\_\_ Intake flushed { U. \_\_\_\_\_  
L. \_\_\_\_\_

Observer.....

Control \_\_\_\_\_

9-2750  
(August 1949)

C O P Y

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

### DISCHARGE MEASUREMENT NOTES

Mass. No. \_\_\_\_\_

Comp. by AWC

Checked by EHS

Tributary to Box Elder Cr.

Date Sept. 15, 1955 Party Carl

Width 7.0 Area 3.08 Vel. 26 G. H. 0.00 Disch. .00

Method 5-6 No. secs. 15 G. H. change 0.00 in 50 hrs. Susp. Red

Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 1.00 Meter No. 302

| GAGE READINGS     |                               |                  |                |
|-------------------|-------------------------------|------------------|----------------|
| Time              |                               | Recorder         | Inside Outside |
| 8:10              | to                            | H <sub>2</sub> O | 12.65          |
|                   | from upstream side of bridge. |                  |                |
| 8:20              |                               |                  |                |
| 8:40              |                               |                  | 12.65          |
| Weighted M. G. H. |                               |                  |                |
| G. H. correction  |                               |                  |                |
| Correct M. G. H.  |                               |                  |                |

Date rated Aug. 8, 1947 Used rating \_\_\_\_\_  
 for rod \_\_\_\_\_ susp. Meter \_\_\_\_\_ ft.  
 above bottom of wt. Tags checked \_\_\_\_\_  
 Spin before meas. \_\_\_\_\_ after \_\_\_\_\_  
 Meas. plots \_\_\_\_\_ % diff. from \_\_\_\_\_ rating  
 Wading, cable, ice, boat, upstr., downstr.,  
 side bridge \_\_\_\_\_ feet, mile, above,  
 below gage, and \_\_\_\_\_  
 Check-bar, chain found \_\_\_\_\_  
 changed to \_\_\_\_\_ at \_\_\_\_\_  
 Correct \_\_\_\_\_  
 Levels obtained \_\_\_\_\_

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section .....

Flow ----- Weather -----

Other ..... Air ..... ° F. @ .....

Gage ..... Water ..... • F. @ .....

Record removed ..... Intake flushed { U. ....  
L. ....

Observer .....

Control .....

Remarks .....

G. H. of zero flow ..... ft. Sheet No. .... of ..... sheets.

C O P Y

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

### DISCHARGE MEASUREMENT NOTES

Meas. No. ....6.....

Comp. By -----

Checked by \_\_\_\_\_

Tributary to Box Elder Cr. nr Box Elder, S. Dak. ....  
 Date July 1, 1955 Pa. y Hedman  
 Width        Area 2.49 Vel. 2E G. H.        Disch. .69  
 Method        No. secs.        G. H. change        in        hrs. Susp.         
 Method coef.        Hor. angle coef.        Susp. coef.        Meter No. 307

[illegible]

Date rated 8-8-47 Used rating  
for rod \_\_\_\_\_ amp. Meter \_\_\_\_\_ ft.  
above bottom of wt. Tags checked \_\_\_\_\_  
Spin before meas. \_\_\_\_\_ after \_\_\_\_\_  
Meas. plots \_\_\_\_\_ % diff. from \_\_\_\_\_ rating  
Wading, ~~with tag~~ 52 ft. below diver  
~~52 ft. below diver~~ 52 ft. below diver  
Check-bar, chain found \_\_\_\_\_  
changed to \_\_\_\_\_ at \_\_\_\_\_  
Correct \_\_\_\_\_  
Levels obtained \_\_\_\_\_

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section .....

Flow ..... Weather .....

Other \_\_\_\_\_ Air \_\_\_\_\_ ° F. @ \_\_\_\_\_

2 Mi. E. of Dex. Record removed ----- Intake flushed

Observer .....

Control \_\_\_\_\_

Remarks All water is being diverted. No flow in Box  
Elder Cr.

## II.

Copy of front sheet  
sent DKL 5-27-66 LHM

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

### DISCHARGE MEASUREMENT NOTES

Meas. No. 5

Comp. by ERH

Checked by A W C

Tributary to Box Elder Cr. nr Box Elder, S. Dak.  
Date May 25, 1955 Party Hedman  
Width 8.0 Area 2.42 Vel. 36 G. H. 15 Disch. 88  
Method 5/6 No. secs. 17 G. H. change \_\_\_\_\_ in \_\_\_\_\_ hrs. Susp. rod  
Method coef. P.C. Hor. angle coef. 1.00 Susp. coef. 100 Meter No. 258

[illegible]

Date rated 4-23-45 Used rating \_\_\_\_\_  
for rod \_\_\_\_\_ susp. Meter \_\_\_\_\_ ft.  
above bottom of wt. Tags checked \_\_\_\_\_  
Spin before meas. ok after ok \_\_\_\_\_  
Meas. plots \_\_\_\_\_ % diff. from \_\_\_\_\_ rating  
Wading, ~~2215, 2225, 2235, 2245~~, downstr.,  
~~2255, 2265, 2275, 2285~~ \_\_\_\_\_ 100 \_\_\_\_\_ feet, ~~2295, 2305, 2315, 2325~~  
below ~~2335, 2345~~ \_\_\_\_\_ diversion gate  
Check-bar, chain found \_\_\_\_\_  
changed to \_\_\_\_\_ at \_\_\_\_\_  
Correct \_\_\_\_\_  
Levels obtained \_\_\_\_\_

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section Smooth

Flow Slow Weather cloudy

Other \_\_\_\_\_ Air \_\_\_\_\_ ° F. @ \_\_\_\_\_

Gage none Water            \* F. @           

..... Record removed ..... Intake flushed { U. ....  
L. ....

Observer .....

Control .....

Remarks All water is being diverted into ditch. Measured  
about 100 ft. downstream from gate in diversion ditch

G. H. of zero flow \_\_\_\_\_ ft. Sheet No. \_\_\_\_\_ of \_\_\_\_\_ sheets





Meas. No. 1  
Comp. by \_\_\_\_\_  
Checked by \_\_\_\_\_

Tributary to Box Elder Cr. nr Box Elder, S. Dak.  
Date Feb 16, 1955 Party Hedman  
Width 10 Area 3.62 Vel. .88 G. H. \_\_\_\_\_ Disch. 3.19  
Method 5/6 No. secs. 20 G. H. change \_\_\_\_\_ in Q.38 r.s. Susp. \_\_\_\_\_  
Method coef. 1.00 Hor. angle coef. 1.00 Susp. coef. 1.00 Meter No. 258

| GAGE READINGS     |          |        |         |
|-------------------|----------|--------|---------|
| Time              | Recorder | Inside | Outside |
| 11:00             |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
| 11:20             |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
| Weighted M. G. H. |          |        |         |
| G. H. correction  |          |        |         |
| Correct M. G. H.  |          |        |         |

Date rated 4-28-45 Used rating \_\_\_\_\_  
for rod \_\_\_\_\_ susp. Meter \_\_\_\_\_ ft.  
above bottom of wt. Tags checked \_\_\_\_\_  
Spin before meas. ok after ok  
Meas. plots \_\_\_\_\_ % diff. from \_\_\_\_\_ rating  
Wading, ~~tail~~, ~~to pool~~, upstr., ~~downstr.~~  
~~tail~~ to bridge  $\frac{1}{2}$  ~~miles~~ mile, above,  
bonyon creek diversion dam  
Check-bar, chain found \_\_\_\_\_  
changed to \_\_\_\_\_ at \_\_\_\_\_  
Correct \_\_\_\_\_  
Levels obtained \_\_\_\_\_

Application No. 405-2 (Andrew Melka)  
and No. 406-2 (Eugene Dunn)

| <u>Meas. No.</u> | <u>Date</u> | <u>Discharge</u> | <u>Remarks</u>                                                                                                                                                                                                    |
|------------------|-------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)              | 2/16/55     | 3.19 cfs         | This includes some snow melt in addition to Air Base waste water                                                                                                                                                  |
| (2)              | 3/2/55      | 2.12 cfs         | Includes some snow melt.                                                                                                                                                                                          |
| (3)              | 3/18/55     | 1.29 cfs         | Still some snow and ice in channel. Melting some today.                                                                                                                                                           |
| (4)              | 4/3/55      | 2.17 cfs         | Inflow below Ellsworth AFB negligible. Est. .2 cfs flowing in Box Elder Creek at Highway bridge 500 feet upstream from confluence with tributary. Probably result of $\frac{1}{2}$ " rain yesterday. Usually dry. |
| (5)              | 5/25/55     | .88 cfs          | All water is being diverted into ditch. Measured about 100 feet downstream from gate in diversion ditch. No inflow below airbase. This is about normal flow.                                                      |
| 6                | 7/1/55      | .69 cfs          | All water is being diverted. No flow in Box Elder Cr.                                                                                                                                                             |
| -                | 9/15/55     | .80 cfs          | Upstream side of bridge                                                                                                                                                                                           |
| -                | 11/7/55     | .65 cfs          | 50 ft below diversion (in canal)                                                                                                                                                                                  |
| -                | 4/5/56      | 2.91 cfs         | 10 miles above diversion. Was raining, snowing and cold.                                                                                                                                                          |
| -                | 5/22/56     | .83 cfs          | at diversion and 75 ft. below bridge.                                                                                                                                                                             |
| 11               | 6/22/56     | .53 cfs          | 75' below Hwy. bridge                                                                                                                                                                                             |
| 12               | 8/1/56      | 0.90 cfs         | 150' below Hwy bridge & about 50' below diversion                                                                                                                                                                 |
| 13               | 9/5/56      | 1.70 cfs         | - do -                                                                                                                                                                                                            |
| 14               | 7/10/57     | 1.34 cfs         | - do -                                                                                                                                                                                                            |

Total  
flow

MEASUREMENTS OF EFFLUENT FLOWS  
 ELLSWORTH AIR FORCE BASE SEWAGE TREATMENT PLANT

1961

| <u>MONTH</u> | <u>TOTAL</u> | <u>MAX.</u> | <u>MIN</u> | <u>AVE</u> |           |
|--------------|--------------|-------------|------------|------------|-----------|
| Jan          | 18,497       | 694.0       | 327.0      | 596.6      | .92 c.f.s |
| Feb          | 18,041       | 759.0       | 509.0      | 644.3      | .99       |
| Mar          | 18,295       | 671.0       | 489.0      | 590.1      | .91       |
| Apr          | 18,852       | 730.0       | 502.0      | 628.4      | .97       |
| May          | 18,841       | 681.0       | 465.0      | 607.7      | .94       |
| Jun          | 17,925       | 731.0       | 511.0      | 597.5      | .92       |
| Jul          | 21,422       | 800.0       | 600.0      | 691.0      | 1.07      |
| Aug          | 21,419       | 853.0       | 565.0      | 693.2      | 1.07      |
| Sep          | 19,935       | 978.0       | 535.0      | 664.5      | 1.02      |
| Oct          | 20,002       | 786.0       | 497.0      | 645.0      | 1.0       |
| Nov          | 21,841       | 889.0       | 491.0      | 728.0      | 1.13      |
| Dec          | 22,618       | 894.0       | 595.0      | 729.6      | 1.13      |

Above figures in million gallons.

Ave 1.0

Normal peak flow is between 1000 hours and 1100 hours.

26-11

MEASUREMENTS OF EFFLUENT FLOWS  
ELLSWORTH AIR FORCE BASE SEWAGE TREATMENT PLANT

1962

| <u>MONTH</u> | <u>TOTAL</u> | <u>MAX.</u> | <u>MIN</u> | <u>AVE</u> |      |
|--------------|--------------|-------------|------------|------------|------|
| Jan          | 28,286       | 1,227.0     | 526.0      | 912.4      | 1.41 |
| Feb          | 30,109       | 1,334.0     | 747.0      | 1,075.3    | 1.61 |
| Mar          | 40,649       | 1,720.0     | 1,096.0    | 1,311.2    | 2.03 |
| Apr          | 34,952       | 1,323.0     | 1,007.0    | 1,165.0    | 1.8  |
| May          | 35,055       | 1,301.0     | 988.0      | 1,130.8    | 1.75 |
| Jun          | 45,735       | 1,777.0     | 1,225.0    | 1,524.5    | 2.35 |
| Jul          | 40,997       | 1,509.0     | 1,044.0    | 1,322.4    | 2.05 |
| Aug          | 43,206       | 1,650.0     | 1,154.0    | 1,380.8    | 2.15 |
| Sep          | 29,538       | 1,341.0     | 691.0      | 984.6      | 1.52 |
| Oct          | 34,176       | 1,347.0     | 961.0      | 1,102.4    | 1.71 |
| Nov          | 30,002       | 1,261.0     | 821.0      | 1,001.0    | 1.56 |
| Dec          | 37,928       | 1,473.0     | 911.0      | 1,223.4    | 1.9  |

1000  
Above figures in million gallons.

Avg 1.53

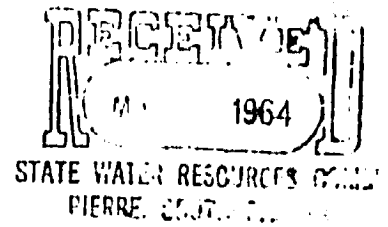
MEASUREMENTS OF EFFLUENT FLOWS  
 ELLSWORTH AIR FORCE BASE SEWAGE TREATMENT PLANT

1963

| <u>MONTH</u> | <u>TOTAL</u> | <u>MAX.</u> | <u>MIN</u> | <u>AVE</u> |      |
|--------------|--------------|-------------|------------|------------|------|
| Jan          | 46,236       | 1,732.0     | 1,134.0    | 1,491.4    | 2.31 |
| Feb          | 38,834       | 1,541.0     | 1,227.0    | 1,386.9    | 2.14 |
| Mar          | 47,554       | 1,705.0     | 1,343.0    | 1,534.0    | 2.36 |
| Apr          | 42,460       | 1,518.0     | 1,307.0    | 1,415.3    | 2.2  |
| May          | 46,048       | 1,609.0     | 1,341.0    | 1,485.4    | 2.3  |
| Jun          | 43,734       | 1,603.0     | 1,363.0    | 1,457.8    | 2.15 |
| Jul          | 45,302       | 1,547.0     | 1,362.0    | 1,461.0    | 2.16 |
| Aug          | 40,435       | 1,431.0     | 1,204.0    | 1,304.3    | 2.02 |
| Sep          | 38,192       | 1,341.0     | 1,201.0    | 1,273.0    | 1.97 |

Above figures in <sup>1000</sup>million gallons.

Ave 2.18



Feb. 25, 1964

South Dakota Water Resources Commission  
State Office Building  
Pierre, South Dakota

Gentlemen:

We the undersigned, Andrew Melka, application 405-2  
and Eugene H. Dunn and others, application 406-2,  
have agreed to share the use of the Holcomb Ranch  
diversion dam and ditch for irrigation. Andrew  
Melka will use the water for ten (ten) days a month  
and Eugene H. Dunn and others will use it for twenty  
(20) days a month from the beginning of the irrigation  
season and alternate years of starting the season.

A handwritten signature in cursive script that reads "Andrew Melka". The signature is written in dark ink and is positioned above a horizontal line.

Andrew Melka

A handwritten signature in cursive script that reads "Eugene H. Dunn". The signature is written in dark ink and is positioned above a horizontal line.

Eugene H. Dunn

February 13, 1964

Mr. Eugene H. Dunn  
Box 644  
Rapid City, South Dakota

Dear Mr. Dunn:

This is to inform you that the State Water Resources Commission will reconsider your Water Right Application No. 406-2 at 3:30 P.M. C.S.T., on March 11, 1964 in the Office of the State Water Resources Commission in Pierre, South Dakota.

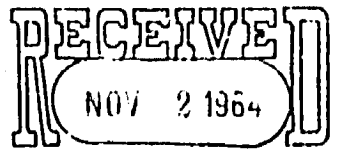
Records indicate that the flow of the Ellsworth Airbase sewage effluent has increased from about 3/4 of a cubic foot per second in 1957 to about 2.1 c.f.s. in 1963. The State Water Resources Commission will consider if a portion of this increased flow from the Ellsworth Airbase sewage effluent should be made available to Water Right Applications No's 406-2 and 405-2.

Application No. 405-2 was made by Andrew Melka, as you are aware.

Sincerely,

J.W. GRIMES

JWG/bw

Permit No. 406-2

Water Division No. \_\_\_\_\_

STATE WATER RESOURCES COMM.  
Water District \_\_\_\_\_ PIERRE, SOUTH DAKOTA

## NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Rt. 2 Box 644 Rapid City, S.D.  
(Date) Oct. 31, 1964

TO THE STATE WATER RESOURCES COMMISSION  
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 4.5  
\_\_\_\_\_ cu. ft. per second of the waters of the state from Apr. 1  
through the 1st of November  
for irrigation and stock watering purposes  
\_\_\_\_\_ in accordance with the terms and con-  
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Eugene H. Dunn  
Elizabeth F. Wells and Virginia L. Dunn
2. The postoffice address of such person or the place of business of such corporation is Rapid City  
County of Pennington State of South Dakota
3. The number of such permit is 406-2 and the date set for the completion of such work is  
Oct 30, 1965
4. Said water to be used for irrigation and stock watering purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 4.5 cubic feet per second.
6. The amount of land for which said water is available is 31.8 acres,  
particularly described as follows: Sections 26 and 27 in T2N R29E  
B.H.M.

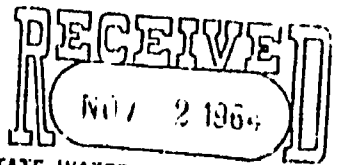
I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners) \_\_\_\_\_

Eugene H. Dunn

Permit No. 406-2

Water Division No. \_\_\_\_\_ Water District \_\_\_\_\_

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Rt 2 Box 644 Rapid City S.D.(Date) Oct 31, 1964

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 30th day of June  
1965, at Rapid City County of Pennington State of South Dakota,  
before \_\_\_\_\_ proof will be submitted of the application to beneficial use  
(Examining Engineer or Officer)  
of 2 cubic feet per second of the waters of Ellsworth Air Base  
Treatment Effluent in accordance with the terms and conditions of Permit No. 406-2  
heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are  
Engene H. Dunn, Elizabeth Wells, & Virginia L. Dunn  
Rt 2 Box 644 Rapid City, S. D.
- The use to which said water has been applied is irrigation
- The amount applied to beneficial use is 2 sec feet
- The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)  
N 1/2 Sect 26, N 1/2 S 1/2 Sect 26 NE 1/4 Sect 27  
N 1/2 SE 1/4 Sect 27, NE 1/4 SW 1/4, SE 1/4 NW 1/4  
Sect 27 in T2N R9E B11277
- The name of the canal or ditch or other works by which said water is conducted to such place of use is  
Holcomb Ditch
- The right to take the water from such works is based upon permit No. 406-2
- The source of supply from which such water is diverted is Ellsworth Air Base
- The date of priority which said user is prepared to establish is Nov. 2, 1954

(Sign) Engene H. Dunn

## NOTICE OF TRANSFER OF WATER PERMIT

September 1, 1948

TO: Office of State Water Resources Commission  
Pierre, South Dakota

This is to notify you that Luna MacNeiland D. MacNeiland of the Estate of Eugene T. MacNeiland  
deceased; Eugene H. Dunn, Elizabeth F. Dunn and Virginia L. Dunn

who previously owned the land described below has sold <sup>their</sup> interests to Eugene H. Dunn,  
Elizabeth F. Wells & Virginia L. Philhower

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 406-2  
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at  
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Sect'on 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Pennington } ss.

I, Eugene H. Dunn being first duly sworn on my  
oath depose and say: That my relation to the above described undertaking is that of <sup>one of the</sup> Owner, that I have read the  
above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed

Eugene H. Dunn

Subscribed and sworn to before me this 1st day of September, 1948

Notary Public

Ronald L. Smith  
Notary Public  
Water Resources Commission

Permit No. 466-2

Rept. 6

Water Division No. 2

Circuit Water District

# Certificate of Examination of Works

## Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated September 19, 1914, I have this day made a thorough examination of the diversion works constructed by Edward H. Dunn, Elizabeth F. Wells, Alvin L. Philhous, of Beulah, C. T., Pennings County, South Dakota, holders of Permit No. 466-2, issued upon Application No. 466-2, bearing date of priority of November 2, 1913, 1913, authorizing the diversion of 4.5 cu. ft. per second of the waters of North Platte River for irrigation purposes purposes. I have to report on the condition of the same as follows:

The diversion works comprise: A diversion dam, a by pass dam and the culverts  
as main ditch with about one mile of south lateral ditches

and the system is in the following condition: Good

The point of diversion is located on North Platte River 27.12 miles from its mouth  
about 1/2 mile north of the mouth of the river

The works are capable of diverting and conveying to the place of use 4.5 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: 315 Acres in sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100  
as shown on water right application 466-2 and its successors  
with right map 434-2

comprising a total of 315 acres of land.

The domestic use intended comprises

Domestic use for stock raising

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 21st day of September, A. D. 1914.

—SEAL—

Edward H. Dunn  
Examining Engineer.  
Deputy Chief Engineer  
State Water Resources Commission

## Box Elder Creek Petition

In 1967 after a delay of a number of years the Water Resources Commission approved Water Application No. 406.2 of Eugene Dunn, and others, that authorized the diversion of up to 4 1/2 cfs of waste water from the Ellsworth Airforce Base. The water was carried in a tributary of Box Elder Creek. The approved application contained several qualifications, the principal one stating, "Diversion shall be made only during periods of time that one cubic foot per second or more is flowing in Box Elder Creek downstream from the mouth of the water course from which the diversions are made."

Since 1967 and until very recently the water has been used to a somewhat limited extent. Several protests were received from downstream ranchers who needed water for livestock watering purposes. This office would contact the irrigator and he would bypass more water.

The land, under contract for deed, has been transferred three times I believe. The present owner began irrigating in February. By late May there was no flow in Box Elder Creek and none of the Airbase effluent was being bypassed into the Creek. The staff met with the irrigator and made him aware of his obligation to release one cfs which was about the average amount of effluent by the time it reached Box Elder Creek.

On June 12th a petition signed by 25 people was received proposing different restrictions for the irrigator using the Airbase effluent. In the meantime this office had made arrangements with the

U.S.G.S. Office in Rapid City to measure the flows above and below the diversion point and at the irrigator so he could determine or estimate, when one C.F.S. was being by-passed.

This was explained to the person who circulated the petition and he agreed that this was the best procedure to follow. The procedure was followed and while there were problems, a solution was being reached.

However when inspected by the Staff on July 16, 1974, it appeared that all of the flow was being diverted for irrigation, although there was some seepage into Box Elder Creek. The irrigator was out of the area for several days. In a telephone conversation with the irrigator's wife on the evening of July 16, 1974, she agreed to have an employee open the gate so approximately one C.F.S. would be by-passed into Box Elder Creek.

Report read to Walter Rye  
Commissioner on July 18, 1974

119

397-2181

On June 12, 1974 I talked to  
Mr. Glen Gray, Corp. of Fresno?  
Fresno Air Force Base and he  
told me the following figures  
show the daily monthly flows  
through the Fresno Air Base  
waste water treatment plant

|            |               |          |
|------------|---------------|----------|
| May 1973   | 1,376,500 Mgd | 2.12 cfs |
| June 1973  | 1,392,000     | 2.09     |
| July 1973  | 1,299,400     | 2.00     |
| Aug 1973   | 1,297,000     | 2.00     |
| Sept 1973  | 1,285,200     | 1.99     |
| Oct 1973   | 1,312,000     | 2.03     |
| Nov 1973   | 1,205,200     | 1.86     |
| April 1974 | 1,183,700     | 1.83     |
| May 1974   | 1,193,500     | 1.84     |

Mr. Gray said they was additional  
Waste flow (unmetered - no estimate)  
coming thru the plant about 200 gds  
downstream from the plant

1974

June 20, 1974

Mr. William Leavitt  
Box Elder  
South Dakota 57719

Dear Mr. Leavitt:

This is to confirm our oral conversation of June 18, 1974.

Under Water Right No. 406-2 now held in the name of Eugene Dunn, and others, you divert water from the water course, a tributary of Box Elder Creek, that carries the effluent from the Ellsworth Air Base Waste Water Treatment Plant to Box Elder Creek.

Measurements of the amount of water flowing in the above-mentioned water course were made by Mr. James Eade of the United States Geological Survey on June 18, 1974. The measurements were made just above your diversion dam and also approximately  $\frac{1}{2}$  mile upstream. The upper measurement, made about 11:25 A.M. indicated a flow of 0.85 cubic feet per second and the downstream measurement made about 12:35 P.M. indicated a flow of 0.87 c.f.s.

There was no flow in Box Elder Creek immediately upstream from the mouth of the above-mentioned tributary of Box Elder Creek. The measurement of the flow at the mouth of the tributary, made about noon indicated a flow of 0.35 c.f.s. This is the flow which was being by-passed through your dam into Box Elder Creek, rather than being diverted for your irrigation.

As was recently indicated to you, Water Right No. 406-2 contains the following qualification, "Diversions shall be made only during periods of time that one cubic foot per second or more is flowing in Box Elder Creek downstream from the mouth of the water course from which the diversions are made." Thus, at the time the flow measurements were made, all of the flow of the tributary should have been by-passed through your dam and none of the water should have been diverted for your irrigation.

Page 2

Mr. William Leavitt

June 20, 1974

While I recognize the difficulties involved in setting up your system so that no flows will be diverted for your irrigation, until a flow of one cubic foot per second or more is flowing in Box Elder Creek downstream from the mouth of the water course from which your diversion is made, it is your obligation to do so. You are hereby directed not to divert water for your irrigation unless one c.f.s. of water or more is flowing in Box Elder Creek immediately downstream from the mouth of the water course from which your irrigation diversion is made, thus complying with the provisions of Water Right No. 406-2.

As was indicated, the United States Geological Survey will measure the flow upstream from your diversion dam at least eight times during the remainder of this week and the next two weeks and inform you of the flow amounts, to aid you in determining the proper flow of water which should be by-passed through your dam.

Sincerely,

Donald Driscoll  
Chief Engineer  
Water Rights Commission

DD/sq

cc: L. B. Yarger

United States Geological Survey  
Room 237, Federal Building-U.S. Courthouse  
515 9th St.  
Rapid City, South Dakota

406-2

February 26, 1975

Mr. Max A. Gors  
Office of the Attorney General  
Pierre, South Dakota 57501

Dear Mr. Gors:

The Water Rights Commission has directed the Commission staff to contact the Attorney General's Office to find out what rights and responsibilities the Commission has in regard to Water Right No. 406-2 and report back to the Commission at its next meeting on March 19, 1975.

As a start towards furnishing information about Water Right No. 406-2, I am enclosing:

1. Portion of unofficial minutes of the January 22, 1975 meeting of the Water Rights Commission containing the discussion about Water Right No. 406A2;
2. A copy of a penciled report which was read to the Water Resources Commission at its January 1964 meeting;
3. A copy of a letter to Mr. William Leavitt, dated June 20, 1974.

The complete file on this water right (about 1 inch thick) can be furnished to you at any time.

As indicated by the minutes I believe questions involved are:

1. Does the qualification "Diversions shall be made only during periods of time that one cubic foot per second of water or more is flowing in Box Elder Creek downstream from the mouth of the water course from which the diversions are made" indicate that the Water Resources Commission determined that if there is no flow in Box Elder Creek immediately upstream from the mouth of the water course carrying the Ellsworth Airbase effluent, that a flow of one cubic foot per second of the effluent, if that amount is available, is the maximum amount that must be allowed to enter the bed of Box Elder Creek for downstream domestic use?

Mr. Max A. Gors

Page 2

February 26, 1975

2. What type of legal action would be advisable if there is not compliance with the terms of Water Right No. 406-2?
3. Does the Water Rights Commission have the right to cancel Water Permit No. 406-2 if there is not compliance with the terms of the water right?

Sincerely,

Donald Driscoll  
Chief Engineer  
Water Rights Commission

DD:mb

Enc: As stated

W/R 406-2

RECEIVED

MAY 28 1975

DEPT. OF NATURAL  
RESOURCE DEVEL.

STATE OF SOUTH DAKOTA  
OFFICE OF  
THE ATTORNEY GENERAL

May 27, 1975

Mr. Vern W. Butler, Secretary  
Department of Natural Resource  
Development  
Office Building Number 2  
Pierre, South Dakota 57501

OFFICIAL OPINION NO. 75-92

Water Right Number 406-2

Dear Mr. Butler:

You have asked three specific questions:

1. Does the qualification "diversions shall be made only during periods of time that one cubic foot per second of water or more is flowing in Box Elder Creek downstream from the mouth of the water course from which the diversions are made" indicate that the Water Resources Commission determined that if there is no flow in Box Elder Creek immediately upstream from the mouth of the water course carrying the Ellsworth Air-base effluent, that a flow of one cubic foot per second of the effluent, if that amount is available, is the maximum amount that must be allowed to enter the bed of Box Elder Creek for downstream domestic use?
2. What type of legal action would be advisable if there is not compliance with the terms of Water Right Number 406-2?
3. Does the Water Rights Commission have the right to cancel Water Permit Number 406-2 if there is not compliance with the terms of the water right?

The answer to your first question depends on whether the effluent to which you refer is in fact water. Apparently, some individuals feel that the effluent is not water, that the holder of Water Right Number 406-2 has no right to the effluent and that all of the effluent must be allowed to flow in Box Elder Creek.

Mr. Vern W. Butler, Secretary  
OFFICIAL OPINION NO. 75-92  
May 27, 1975  
Page 2

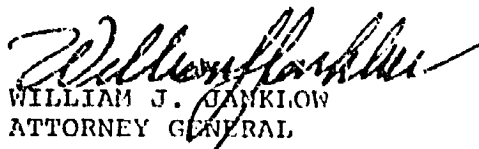
The effluent derives from the sewage treatment plant at Ellsworth Air Force Base. It is water that has been treated and purified. The domestic users who desire the effluent will use it for the same purpose as water--irrigating lawns and gardens and watering livestock. It is difficult for me to call the effluent anything but water. It is certainly not anything else. The fact that the water may have some materials suspended or in solution with the water is immaterial. Utah Copper Co. v. Stephen Hayes Estate, 83 Utah 545, 31 P. 2d 624, 629. Similar materials might be found in the waters of Box Elder Creek before the effluent is introduced. Therefore, it is my opinion that the appropriative user may only make diversions when at least one cubic foot per second of water (including effluent) is flowing downstream.

To answer your second question, either the water resources commission or a citizen could file a criminal complaint against the offending user under SDCL 46-1-11. Upon conviction, the user would be guilty of a low grade misdemeanor.

In addition, the Water Resources Commission could request that the Attorney General file suit to determine the conflicting water rights. SDCL 46-10-1 to 46-10-2. Also, citizens may bring suits to adjudicate water rights. SDCL 46-10-5 to 46-10-7. Domestic users may petition for establishment of a water use control area to regulate distribution of water in a given area. SDCL 46-10-14 to 46-10-28.

To answer your third question, the commission has no statutory authority to cancel Water Right Number 406-2. Apparently the only manner in which a water right is forfeited is pursuant to SDCL 46-5-36 and 46-5-37 which provide forfeiture for abandonment or non-use.

Respectfully submitted,

  
WILLIAM J. DANKLOW  
ATTORNEY GENERAL

WJJ:MAG:rw

7-21-75 -

July 15, 1975

MR. LEAVITT CALLED AND  
WANTED TO KNOW IF IT WAS  
NECESSARY FOR HIM TO BE  
THERE - TOLD HIM I  
THOUGHT HE SHOULD BE

William Leavitt  
Box Elder  
South Dakota 57719

Dear Mr. Leavitt:

This will notify you that the Water Rights Commission will discuss the Attorney General's Opinion regarding irrigation from Ellsworth Airbase effluent and Box Elder Creek water supplies, at 9:00 a.m., on July 25th at its meeting at the North Lounge, Surbeck Center, S.D. School of Mines and Technology at Rapid City, South Dakota.

Sincerely,

VERN W. BUTLER  
Acting Chief Engineer  
Water Rights Commission

VWB/BFJ/bw

July 15, 1975

Harold Cox  
Box Elder  
South Dakota 57719

Dear Mr. Cox:

This will notify you that the Water Rights Commission will discuss the Attorney General's Opinion regarding irrigation from Ellsworth Airbase effluent and Box Elder Creek water supplies at 9:00 a.m., on July 25th at its meeting at the North Lounge, Surbeck Center, S.D. School of Mines and Technology at Rapid City, South Dakota.

Sincerely,

VERN W. BUELER  
Acting Chief Engineer  
Water Rights Commission

VWB/BFJ/bw

400-2

| Water Resource Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |                            |              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------|--------------|
| Attention: Verne Butler                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                   |                            |              |
| Pierre, South Dakota                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                   |                            |              |
| <p>We, the undersigned, believe that all the Air Base runoff water that flows through 2N-Range SE-Section 27 should flow directly into Box Elder Creek and that all irrigation water should be applied only from the 1st of May each year in 2N-Range SE-Section 27 so that all landowners on Box Elder Creek, below the Air Base, will have an equal share of the water for domestic use. That no water is used in 2N-Range SE-Section 27 for irrigation purposes until after the 1st of November of each year. That if Box Elder Creek is running 10 or more feet per second of flow in the area above the Air Base run-off water, the landowner in 2N-Range SE-Section 27 may close the gates and take water for irrigation purposes. That at no time should the main irrigation ditch be closed to the point where there is a flow of water flowing through the main gate.</p> |                   |                            |              |
| DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NAME and ADDRESS  | Location of property owned | Phone number |
| 5-31-74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Joe Spewak        | Sec 31, 2N, 10E            | 754-2625     |
| 5-31-74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Leo Swanson       | Sec 31, 2N, 11E            | 754-4344     |
| 5-31-74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Carl Kuyper       | Sec 32, 2N, 11E            | 754-3401     |
| 5/31/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Paul G. Gagnier   | Sec 2, 1N, 11E             | 754-2572     |
| 5/31/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | David A. Hansen   | Sec 30, 1N, 13E            | 798-2283     |
| 5/31/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Joseph E. Starnes | Sec 17, 1N, 13E            | 798-2485     |
| 5-31-74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Lois L. Lucas     | Sec 34, 1N, 18E            | 798-2274     |
| 5/31/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Helen R. Hunt     | Sec 27, 1N, 18E            | 923-1582     |
| 5/31/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Archie L. Johnson | Sec 30, 1N, 7E             | 923-2524     |
| 5-31-74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Wallace K. Kopp   | Sec 24, 2N, 14E            | 923-1664     |
| 5/31/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | James W. Madison  | Sec 27, 2N, 14E            | 754-5234     |
| 5/31/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | James English     | Sec 6, 1N, 11E             | 754-3241     |
| 5/31/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Martin Quint      | Sec 8, 1N, 12E             | 754-2571     |
| 11/1/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Joe Kelley        | Sec 31, 1N, 14E            | 993-3515     |
| 6/1/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Steve L. Williams | Sec 21, 1N, 13E            | 798-2453     |
| 5/1/74                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | G. J. ...         | Sec 21, 1N, 14E            | 798-2457     |

|                                                                                                                                                                                                                                                                                          |                    |            |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|----------|
| 6/3/74                                                                                                                                                                                                                                                                                   | Eugene McClellan   | 4-21-2N-1E | 754-2443 |
| 6/2/74                                                                                                                                                                                                                                                                                   | Marvin K. Allen    | W-2-S-36   | 754-2656 |
| 6/2/74                                                                                                                                                                                                                                                                                   | Darrell Hacken     | 2-10-35    | 754-2243 |
| 6/2/74                                                                                                                                                                                                                                                                                   | James M. Brown     | 2N-11-31   | 754-3161 |
| 6/2/74                                                                                                                                                                                                                                                                                   | Whitney C. White   | 9-1N-12E   | 754-2575 |
| 6/2/74                                                                                                                                                                                                                                                                                   | Ruth M. C. Cox     | 2N-11-31   | 754-3729 |
| 6/3/74                                                                                                                                                                                                                                                                                   | Donald D. Hopewell | 2-3-11-11E | 787-4656 |
| 6/4/74                                                                                                                                                                                                                                                                                   | Lela White         | 1N-13-E    | 754-2624 |
| 6/6/74                                                                                                                                                                                                                                                                                   | D. M. D. L. L. L.  | 1N-13-E    | 793-2443 |
| <p>I, Harold Cox certify that I circulated the above petition, and the names as recorded were signed in my presence.</p> <p style="text-align: right;"><i>Harold Cox</i><br/> HAROLD COX<br/> Phone 923-1665<br/> Box Elder, S.D. 57719</p>                                              |                    |            |          |
| <p>STATE OF SOUTH DAKOTA)<br/> County of Pennington ) SS.</p>                                                                                                                                                                                                                            |                    |            |          |
| <p>On this the 11th day June, 1974, before me, Robert Every, the undersigned officer, personally appeared Harold Cox, known to me, to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.</p> |                    |            |          |
| <p>In witness whereof I hereunto set my hand and official seal.</p> <p style="text-align: right;"><i>Robert Every</i><br/> NOTARY PUBLIC</p>                                                                                                                                             |                    |            |          |
| <p>My commission expires 2/7/75.</p>                                                                                                                                                                                                                                                     |                    |            |          |
| <p style="text-align: right;">RECEIVED<br/> JUN 14 1974<br/> DEPT. OF REVENUE<br/> SOUTH DAKOTA</p>                                                                                                                                                                                      |                    |            |          |

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

Comp. by 

Checked by \_\_\_\_\_

Sta. No. Misc. Miss for WRC  
Effluent from the Air Base  
 Date June 18, 1974 Party V. H. Eade  
 Width 3.9 Area 1.04 Vel. .46 G. H. — Disch. 0.85  
 Method 6 No. recs. 14 G. H. change — in — hrs. Susp. Ro. 9  
 Method coef. — Hor. angle coef. — Susp. coef. — Meter No. 255231

[illegible]

Type of meter *P. gony* .....  
Date rated *2-1-65* ..... for rod, either.  
Meter ..... ft. above bottom of weight  
Spin before meas. *82.5 sec* after *90.1 sec*  
Meas. plots .... % diff. from rating .....  
Wading cable, ice, boat, upstr., downstr., side  
bridge *7 poles* .. feet, mile, above, below  
gage, and *1/2 m from bridge on abut*  
Check-bar, found *thyrox* *14*  
changed to ..... at .....  
Correct .....  
Levels obtained .....

Measurement rated excellent (2%), good (3%), fair (8%), poor (over 8%), based on following conditions: Cross section ~~firm, brown~~ - soft at Lbw - some moss

Flow Steady Weather C - 1st 1/2 calan

Chlor ..... Alt 230 CF @ 112

Gate 20012 Water 20027 @ 112

Record removed 10/2/6 Intake flushed UObserver 17049.....

.....

Control Same moss in stream - cheeks a/green

globs floating

Remarks

.....

.....

G. H. of rem flow \_\_\_\_\_ ft.

River at—

Spin 2 Sec

| Dist. from initial point | Width | Depth | Observed time depth | Revolutions | Time in seconds | VELOCITY |                  | Adjusted for bar, angle or | Area  | Discharge |
|--------------------------|-------|-------|---------------------|-------------|-----------------|----------|------------------|----------------------------|-------|-----------|
|                          |       |       |                     |             |                 | At point | Mean in vertical |                            |       |           |
| 1.3                      | .15   | 0     | 0                   | 110         |                 |          |                  |                            | 0     | 0         |
| 1.6                      | .3    | .34   | 1                   | 7           | 45              | 194      |                  |                            | .102  | .020      |
| 1.9                      |       | .40   | 1                   | 7           | 47              | 188      |                  |                            | .120  | .023      |
| 2.2                      |       | .46   | 1                   | 15          | 45              | 365      |                  |                            | .138  | .050      |
| 2.5                      |       | .54   | 1                   | 20          | 43              | 492      |                  |                            | .162  | .080      |
| 2.8                      |       | .54   | 1                   | 20          | 43              | 492      |                  |                            | .162  | .080      |
| 3.1                      |       | .60   | 1                   | 20          | 43              | 492      |                  |                            | .190  | .089      |
| 3.4                      |       | .54   | 1                   | 20          | 48              | 845      |                  |                            | .162  | .072      |
| 3.7                      |       | .56   | 1                   | 20          | 46              | 462      |                  |                            | .168  | .078      |
| 4.0                      |       | .54   | 1                   | 20          | 40              | 525      |                  |                            | .162  | .085      |
| 4.3                      |       | .54   | 1                   | 35          | 41              | 630      |                  |                            | .162  | .102      |
| 4.6                      |       | .58   | 1                   | 15          | 39              | 414      |                  |                            | .174  | .072      |
| 4.9                      | .3    | .50   | 1                   | 25          | 40              | 645      |                  |                            | .150  | .097      |
| 5.2                      | .15   | 0     | 0                   | 1125        |                 |          |                  |                            | 0     | 0         |
| 5.9                      |       |       |                     |             |                 |          |                  |                            | 1.842 | .848      |

Checked by \_\_\_\_\_

Sta. No. *Misc. Mead.*

different from Elsworth AFB

Date June 18, 1974 Party V. H. E. do

Width 4.3 Area 1.41 Vel. 2.5 G. H. — Disch. 0.36

Method 6 No. sec. 17 G. H. change — in — hrs. Susp. 30d

Method coef. .... Hor. angle coef. .... Susp. coef. .... Meter No. 25523

Type of meter *P.S. mag*  
Date rated *2-4-65* for rod, other  
Meter ..... ft. above bottom of weight.  
Spin before meas. *2454* after *OK*  
Meas. plots ..... % diff. from rating  
Wading *able*, ice, boat, upstr., downstr. side  
bridge *2200* feet, mile, above, below  
gage, and *OK Highway 14 Bridge*  
Check-bar, found .....  
changed to ..... at .....  
Correct .....  
Levels obtained .....

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section: uniform

Flow *steady* Weather *p.c. - light winds*

Other ..... 30.50 12/20

Grpc 1200

Record removed none Intake flushed U

Observer: 22 Apr .....

Control: same mass in 5+ years

Remarks .....

U. H. of zero flow ..... ft.

[illegible]

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

Comp. by JHE

Checked by \_\_\_\_\_

Sta. No. 115C. Meadows  
Excerpt from ERF8

Date June 18, 1974 Party N.E.  
Width 4.7 Area 3.74 Vel. 23 G. H. — Diach. 87  
Method 6 No. sec. 16 G. H. change — in — hrs. Susp. R.R.  
Method coef. — Hor. angle coef. — Susp. coef. — Meter No. 255231

[illegible]

Type of meter *P. g. m.*  
Date rated *3-4-65* for rod, other.  
Meter ..... ft. above bottom of weight.  
Spin before meas. .... after *97 sec*  
Meas. p'ots .... % diff. from rating .....  
☒ Measuring cable, ice, boat, upstr., downstr., side  
bridge, *1.5 mi.* mile. above, ~~below~~  
*old highway at bridge*  
gage, and .....  
Check-bar, found .....  
changed to ..... at .....  
Correct .....  
Levels obtained .....

Measurement rated excellent (2%), good (3%), fair (8%), poor (over 8%), based on following conditions: Cross section *see form*

Flow Steady Weather P.C.  
Other \_\_\_\_\_  
Gage P.C. Air 82.0°F @ 1235  
Water 22.0°F @ 1235  
Record removed 22.0°F Intake flushed ✓

Control same mass in strept

Remarks

G. H. of zero flow .....

[illegible]

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

DISCHARGE MEASUREMENT NOTES

Mass. Reg.

Comp. by 712

Checked by \_\_\_\_\_

Sta. No.

Date June 21 1974

Party Local

Width 5.2

Area 2.53

Vol. 026 G. H.

Diad. 095

Method . 6

No. sec. 45

G. hi. change

in ..... Ltd. Supd. / Secy.

### Method conf.

Hor. angle coef

Susp. coef.

Meter No. 26257/

Date rated 6-2-52 Used rating 2

for rod ..... susp. Meter ..... ft.  
above base

above bottom of wt. Tags checked \_\_\_\_\_  
pin before meas. 8/10/01 \_\_\_\_\_

Spin before meas. 2.10 after 2.10

Meas. plots ..... % diff. from ..... rating

Wading, cable, ice, boat, upstr., downstr., side

bridge 1200 feet, mile, above, below  
 5885 and 6210

Check-bar, chain found

changed to \_\_\_\_\_ at \_\_\_\_\_  
 correct

Correct \_\_\_\_\_

Levels obtained \_\_\_\_\_

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section \_\_\_\_\_

[illegible]

Other \_\_\_\_\_ Weather \_\_\_\_\_

Page 2 Air °F @

Record removed

Observer \_\_\_\_\_ Record removed \_\_\_\_\_ Water \_\_\_\_\_ °F @ \_\_\_\_\_  
Intake flushed \_\_\_\_\_

Intake flushed to

Control 11005 12 2 2007

.....

Remarks: *See page 10*

appears to be a very good one.

place - the first class

11 of zero flow.

| River at—           |                                   |       |       |                                |                  |                    |             |                          |                                | Discharge |           |
|---------------------|-----------------------------------|-------|-------|--------------------------------|------------------|--------------------|-------------|--------------------------|--------------------------------|-----------|-----------|
| Angle of<br>current | Dist.<br>from<br>initial<br>point | Width | Depth | Charac-<br>teris-<br>tic depth | Revo-<br>lutions | Time in<br>seconds | VELOCITY    |                          | Adjusted<br>for bar-<br>ometer | Area      | Discharge |
|                     |                                   |       |       |                                |                  |                    | At<br>point | Mean<br>in ver-<br>tical |                                |           |           |
|                     | 1.0                               | .25   |       |                                | 1                | 11                 | 0           |                          |                                |           |           |
|                     | 1.5                               |       | .12   | 16                             | 3                | 56                 | 08          |                          |                                | 78        |           |
|                     | 2.0                               | 1     | .21   |                                | 20               | 52                 | 37          |                          |                                | 38        | .15       |
|                     | 2.5                               | 1     | .14   |                                | 15               | 42                 | 37          |                          |                                | 28        | .10       |
|                     | 3.0                               | 2     | .12   |                                | 20               | 41                 | 41          |                          |                                | 20        | .12       |
|                     | 3.1                               | 3     | .12   |                                | 20               | 47                 | 14          |                          |                                |           | .11       |
|                     | 3.6                               | 3     | .20   |                                | 20               | 51                 | 40          |                          |                                | 20        | .10       |
|                     | 3.8                               | 0     | .10   |                                | 20               | 50                 | 41          |                          |                                | 31        | .10       |
|                     | 3.8                               | 3     | .20   |                                | 15               | 44                 | 36          |                          |                                |           | .1        |
|                     | 4.1                               | 2     | .28   |                                | 10               | 50                 | 21          |                          |                                |           | .05       |
|                     | 4.4                               | 2     | .20   |                                | 5                | 43                 | 14          |                          |                                |           | .03       |
|                     | 4.7                               | 4     | .21   |                                | 7                | 30                 | 09          |                          |                                | 28        | .05       |
|                     | 5.2                               | .5    | .68   |                                | 3                | 40                 | 10          |                          |                                | 3.1       | .02       |
|                     | 5.7                               | .5    | .60   | 10                             | 0                | 00                 | 0           |                          |                                | .30       |           |
| 0                   | 6.2                               | .25   | 0     |                                | 0                | 00                 | 0           |                          |                                | 0         |           |
|                     |                                   | 5.2   |       |                                |                  |                    |             |                          |                                | 3.53      | 0.13      |

STATE WATER RIGHTS COMM.

PIERRE, SOUTH DAKOTA



| River at                 |       |       |                       |             |                 |          |                  |                            |      |           |
|--------------------------|-------|-------|-----------------------|-------------|-----------------|----------|------------------|----------------------------|------|-----------|
| Dist. from initial point | Width | Depth | Current time in hours | Revolutions | Time in seconds | VELOCITY |                  | Adjusted for bar. temp. or | Area | Discharge |
|                          |       |       |                       |             |                 | At point | Mean in vertical |                            |      |           |
| 2.7                      | 2     | 0     |                       | 0           | 0               |          |                  |                            |      |           |
| 3.1                      | 3.5   | 37    |                       | 7           | 48              | .17      |                  |                            | .12  | .67       |
| 3.4                      | 3     | 44    |                       | 15          | 56              | .29      |                  |                            | .13  | .64       |
| 3.7                      | 2     | 53    |                       | 25          | 16              | .55      |                  |                            | .17  | .54       |
| 4.0                      | 2     | 56    |                       | 42          | 41              | .21      |                  |                            | .17  | .51       |
| 4.3                      | 2     | 62    |                       | 35          | 21              | .72      |                  |                            | .17  | .45       |
| 4.6                      | 3     | 62    |                       | 40          | 48              | .23      |                  |                            | .16  | .43       |
| 4.9                      | 3     | 52    |                       | 40          | 41              | .31      |                  |                            | .16  | .42       |
| 5.2                      | 2     | 56    |                       | 30          | 29              | .76      |                  |                            | .16  | .37       |
| 5.5                      | 2     | 52    |                       | 40          | 49              | .21      |                  |                            | .17  | .32       |
| 5.8                      | 2     | 56    |                       | 36          | 39              | .16      |                  |                            | .17  | .29       |
| 6.1                      | 2     | 56    |                       | 30          | 41              | .23      |                  |                            | .16  | .27       |
| 6.4                      | 3     | 51    |                       | 30          | 43              | .72      |                  |                            | .16  | .25       |
| 6.7                      | 3     | 52    |                       | 30          | 41              | .23      |                  |                            | .16  | .23       |
| 7.0                      | 3     | 54    |                       | 30          | 42              | .71      |                  |                            | .16  | .21       |
| 7.3                      | 3     | 52    |                       | 30          | 42              | .71      |                  |                            | .16  | .20       |
| 7.6                      | 2     | 52    |                       | 30          | 43              | .21      |                  |                            | .14  | .18       |
| 7.9                      | 3     | 46    |                       | 30          | 45              | .70      |                  |                            | .13  | .17       |
| 8.2                      | 3     | 42    |                       | 30          | 45              | .27      |                  |                            | .12  | .16       |
| 8.5                      | 2     | 40    |                       | 30          | 46              | .25      |                  |                            | .12  | .15       |
| 8.8                      | 2     | 36    |                       | 15          | 12              | .37      |                  |                            | .11  | .14       |
| 9.2                      | 2     | 30    |                       | 0           | 0               | 0        |                  |                            | .11  | .12       |
| 9.5                      | 2     | 25    |                       | 0           | 0               | 0        |                  |                            | .11  | .11       |
| 9.8                      | 2     | 20    |                       | 0           | 0               | 0        |                  |                            | .11  | .10       |
| 10.1                     | 2     | 15    |                       | 0           | 0               | 0        |                  |                            | .11  | .09       |
| 10.4                     | 2     | 10    |                       | 0           | 0               | 0        |                  |                            | .11  | .08       |
| 10.7                     | 2     | 5     |                       | 0           | 0               | 0        |                  |                            | .11  | .07       |
| 11.0                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .06       |
| 11.3                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .05       |
| 11.6                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .04       |
| 11.9                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .03       |
| 12.2                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .02       |
| 12.5                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .01       |
| 12.8                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 13.1                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 13.4                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 13.7                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 14.0                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 14.3                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 14.6                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 14.9                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 15.2                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 15.5                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 15.8                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 16.1                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 16.4                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 16.7                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 17.0                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 17.3                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 17.6                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 17.9                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 18.2                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 18.5                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 18.8                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 19.1                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 19.4                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 19.7                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |
| 20.0                     | 2     | 0     |                       | 0           | 0               | 0        |                  |                            | .11  | .00       |

7-74G  
(Mar. 1972)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

Meas. No. \_\_\_\_\_

Comp. by JHE

Checked by \_\_\_\_\_

DISCHARGE MEASUREMENT NOTES

Sta. No. \_\_\_\_\_

Effluent from EAFB @ RR bridge

Date June 26, 1974 Party J.H. Eade

Width 6 Area 3.10 Vel. 71 G. H. \_\_\_\_\_ Disch. 2.19

Method 6 No. secs. 20 G. H. change \_\_\_\_\_ in 33 hrs. Susp. rod

Method coef. \_\_\_\_\_ Hor. angle coef. \_\_\_\_\_ Susp. coef. \_\_\_\_\_ Meter No. 255231

| GAGE READINGS     |           |        |         |  | Type of meter <u>Pymy</u>                                                                       |
|-------------------|-----------|--------|---------|--|-------------------------------------------------------------------------------------------------|
| Time              | Recorder  | Inside | Outside |  | Date rated <u>2-4-65</u> for rod, other.                                                        |
| <u>0850</u>       | <u>S.</u> |        |         |  | Meter _____ ft. above bottom of weight.                                                         |
| <u>0910</u>       | <u>F.</u> |        |         |  | Spin before meas. <input checked="" type="checkbox"/> after <input checked="" type="checkbox"/> |
|                   |           |        |         |  | Meas. plots _____ % diff. from rating                                                           |
|                   |           |        |         |  | Wading, cable, ice, boat, upstr., downstr., side                                                |
|                   |           |        |         |  | bridge <u>Co</u> feet, mlt., above, below                                                       |
|                   |           |        |         |  | gage, and <u>RR bridge</u>                                                                      |
|                   |           |        |         |  | Check-bar, found _____                                                                          |
|                   |           |        |         |  | changed to _____ at _____                                                                       |
|                   |           |        |         |  | Correct _____                                                                                   |
|                   |           |        |         |  | Levels obtained <u>20 AC</u>                                                                    |
| Weighted M. G. F. |           |        |         |  |                                                                                                 |
| G. H. correction  |           |        |         |  |                                                                                                 |
| Correct M. G. F.  |           |        |         |  |                                                                                                 |

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section uniform

Flow steady Weather windy - P.C.

Other \_\_\_\_\_ Air 25.5 @ 0910

Gage none Water 22.0 @ 0910

Record removed none Intake flushed none

Observer Talked to rancher Bill Smith - Reset gate

and made another measurement of 0.77 and Bill

Control Star will play around with the gate

settling until he has a reading

Remarks of 0.65 ft. have been set in RR piling to

water surface, which hopefully will be 1.00 ft.

will measure again on Friday.

G. H. of zero flow \_\_\_\_\_ ft.

GPO 157-O-481-874



Miss. No. \_\_\_\_\_  
Convey by JAE  
Checked by LC

DISCHARGE MEASUREMENT NOTES

Sta. No. Miss Site DISCHARGE MEASUREMENT NOTES Checked by J  
Effluent from EAFB S. Oak  
Date June 26, 1974 Party J. H. Eade  
Width 2.3 Area 1.76 Vel. 51 G. H. —  
Method 6 No. secs. 12 G. H. change — in — hrs. Susp. Red  
Method coef. — Hor. angle coef. — Susp. coef. — Meter No. 25523

GAGE READINGS

[illegible]

Type of meter *Pygmy* ..... Meter No. *255231* .....  
 Date rated *2-4-65* ..... for ☒ and other.  
 Meter ..... ft. above bottom of weight.  
 Spin before meas. *91 sec* after *94 sec*  
 Meas. plots ..... % diff. from rating .....  
☒ Wading, cable, ice, boat, upstr., downstr., side  
 bridge, *4 poles* ..... feet, mile, ☒ below  
 sage, and *bridge across old highway*  
 Check-bar, found .....  
 changed to ..... at .....  
 Correct .....  
 Levels obtained .....

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section some moss in it

Flow highly steady Weather P.E. - Windy  
Other \_\_\_\_\_  
Gage 200 C Air 24.0 °F @ 0830  
Water 19.5 °F @ 0830  
Observer \_\_\_\_\_ Record removed 200 C Intake flushed U name

Cage 222.C Air 24.5°F @ 0830  
 Record removed 22.2.C Water 19.5°F @ 0830  
 Observer \_\_\_\_\_ Intake flushed None

Observer \_\_\_\_\_ Record removed 12.2.2.C \_\_\_\_\_ Intake flushed 1.1.1.1

Control 311.554

Remarks \_\_\_\_\_

C. H. of zero flow ..... ft.

River at---

| Dist. from initial point | Width | Depth | Run the time | Time in seconds | VELOCITY |                  | Adjusted for sag, angle of | Area | Discharge |
|--------------------------|-------|-------|--------------|-----------------|----------|------------------|----------------------------|------|-----------|
|                          |       |       |              |                 | At point | Mean in vertical |                            |      |           |
| 1.9                      | .15   | 0     | 0820         |                 |          |                  |                            | 0    | 0         |
| 2.2                      | .3    | .36   | 5            | 41              | .162     |                  | .108                       | .017 |           |
| 2.5                      |       | .36   | 15           | 51              | .327     |                  | .108                       | .035 |           |
| 2.8                      |       | .40   | 25           | 42              | .616     |                  | .120                       | .074 |           |
| 3.1                      |       | .64   | 30           | 45              | .685     |                  | .192                       | .132 |           |
| 3.4                      |       | .74   | 25           | 40              | .646     |                  | .222                       | .143 |           |
| 3.7                      |       | .70   | 25           | 39              | .660     |                  | .210                       | .139 |           |
| 4.0                      |       | .68   | 20           | 44              | .631     |                  | .204                       | .098 |           |
| 4.3                      |       | .76   | 15           | 51              | .327     |                  | .228                       | .075 |           |
| 4.6                      |       | .64   | 25           | 40              | .645     |                  | .192                       | .124 |           |
| 4.9                      | .3    | .58   | 15           | 43              | .390     |                  | .174                       | .066 |           |
| 5.2                      | .15   | 0     | 0830         |                 |          |                  | 0                          | 0    |           |
| 2.3                      |       |       |              |                 |          |                  | .1758                      | .903 |           |

8-273G  
(Mar. 1972)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

Meas. No. \_\_\_\_\_

Comp. by JHE

Checked by \_\_\_\_\_

DISCHARGE MEASUREMENT NOTES

Sta. No. 174 Site  
Effluent from EAFB @ RR Bridge  
Date June 26 1972 Party J. H. Eade  
Width 5.5 Area 2.04 Vel. 4.0 G. H. 0.70 Disch. 81  
Method 16 No. secs. 1.9 G. H. change 0 in 33 hrs. Susp. Red  
Method coef. \_\_\_\_\_ Hor. angle coef. \_\_\_\_\_ Susp. coef. \_\_\_\_\_ Meter No. 255231

| GAGE READINGS                     |          |        |         |  |
|-----------------------------------|----------|--------|---------|--|
| Time                              | Recorder | Inside | Outside |  |
| <u>G.H. = 0.70 measuring</u>      |          |        |         |  |
| <u>down to 100 from mail</u>      |          |        |         |  |
| <u>in RR piling. Told E.H.</u>    |          |        |         |  |
| <u>to raise level to 0.65</u>     |          |        |         |  |
| <u>which should be fairly</u>     |          |        |         |  |
| <u>close to 100 gage. 0.99 g.</u> |          |        |         |  |
| <u>1000 s. at present time</u>    |          |        |         |  |
| <u>1020 F.</u>                    |          |        |         |  |
| Weighted M. G. H. _____           |          |        |         |  |
| G. H. correction _____            |          |        |         |  |
| Correct M. G. H. _____            |          |        |         |  |

Type of meter Pye  
Date rated 2-4-65 for rod, other.  
Meter \_\_\_\_\_ ft. above bottom of weight.  
Spin before meas. 30 sec. after 10 sec.  
Meas. plots \_\_\_\_\_ % diff. from rating  
Wading cable, ice, boat, upstr., downstr., side  
bridge @ feet, mile, above, below  
gage, and RR Bridge  
Check-bar, found \_\_\_\_\_  
changed to \_\_\_\_\_ at \_\_\_\_\_  
Correct \_\_\_\_\_  
Levels obtained 101.2

Measurement rated excellent (1%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section uniform

Flow steady Weather cloudy

Other \_\_\_\_\_ Air \_\_\_\_\_ °F @ \_\_\_\_\_

Gage Installed mail in RR piling to Water \_\_\_\_\_ °F @ \_\_\_\_\_

measure down to Reced removed \_\_\_\_\_ Intake flushed \_\_\_\_\_

Observer no 2nd surface = 0.70

Control clear

Remarks Rancher will adjust gate so that 100 ft/s  
gates in Box Elder Cr. which is dry.

G. H. of zero flow \_\_\_\_\_ ft.

| River at -                                                                                                    |                          |       |       |                 |             |          |                  |                               |       |           |
|---------------------------------------------------------------------------------------------------------------|--------------------------|-------|-------|-----------------|-------------|----------|------------------|-------------------------------|-------|-----------|
| Sta.                                                                                                          | Dist. from initial point | Width | Depth | Time in seconds | Revolutions | VELOCITY |                  | As adjusted for hor. angle or | Area  | Discharge |
|                                                                                                               |                          |       |       |                 |             | At point | Mean in vertical |                               |       |           |
| 0.7                                                                                                           | 0                        | 15    | 0     | 100             |             |          |                  |                               | 0     | 0         |
| 3.5                                                                                                           | 3                        | 34    | 0     | 70              | 0           |          |                  |                               | 102   | 0         |
| 3.8                                                                                                           |                          | 42    | 20    | 51              | 421         |          |                  |                               | 126   | .53       |
| 4.1                                                                                                           |                          | 46    | 15    | 43              | 293         |          |                  |                               | 138   | .040      |
| 4.4                                                                                                           |                          | 48    | 20    | 44              | 481         |          |                  |                               | 144   | .069      |
| 4.7                                                                                                           |                          | 38    | 20    | 43              | 492         |          |                  |                               | 114   | .056      |
| 5.0                                                                                                           |                          | 42    | 20    | 44              | 491         |          |                  |                               | 126   | .061      |
| 5.3                                                                                                           |                          | 33    | 20    | 44              | 481         |          |                  |                               | 114   | .055      |
| 5.6                                                                                                           |                          | 40    | 20    | 51              | 421         |          |                  |                               | 120   | .051      |
| 5.9                                                                                                           |                          | 42    | 15    | 40              | 405         |          |                  |                               | 126   | .051      |
| 6.2                                                                                                           |                          | 42    | 15    | 40              | 405         |          |                  |                               | 126   | .051      |
| 6.5                                                                                                           |                          | 40    | 20    | 51              | 421         |          |                  |                               | 120   | .051      |
| 6.8                                                                                                           |                          | 40    | 15    | 42              | 388         |          |                  |                               | 120   | .047      |
| 7.1                                                                                                           |                          | 42    | 20    | 49              | 431         |          |                  |                               | 126   | .055      |
| 7.4                                                                                                           |                          | 38    | 15    | 39              | 414         |          |                  |                               | 114   | .047      |
| 7.7                                                                                                           |                          | 36    | 20    | 52              | 414         |          |                  |                               | 102   | .045      |
| 8.0                                                                                                           | 31                       | 34    | 15    | 52              | 382         |          |                  |                               | 102   | .033      |
| 8.3                                                                                                           | 35                       | 32    | 15    | 39              | 414         |          |                  |                               | 112   | .046      |
| 8.7                                                                                                           | 52                       | 32    | 10    | 22              |             |          |                  |                               | 0     | 0         |
| 9.5                                                                                                           | 55                       | 32    |       |                 |             |          |                  |                               | 1.798 | 0.812     |
| 10.0                                                                                                          | 57                       | 32    |       |                 |             |          |                  |                               | 2.039 | ✓         |
| <p>(d)(w) (5) = .232</p> <p>(d)(5.5) (.75) = .222</p> <p>2.36</p> <p>1.098 1.07</p> <p>1.700</p> <p>1.602</p> |                          |       |       |                 |             |          |                  |                               |       |           |

Mex. No. \_\_\_\_\_

Comp. by ... *[Signature]*

Checked by                     

### DISCHARGE MEASUREMENT NOTES

Sta. No. 7710-17c  
Effluent from EAFB, S. Dat  
 Date June 24, 1974 Party J. H. Eads  
 Width 5.1 Area 1.39 Vel. 0.22 G. H. — Disch 0.31  
 Method 5.6 No. sec. 18 G. H. change — in — hrs. Supp. 2.2 d  
 Method coef. — Hor. angle coef. — Supp. coef. — Meter No. 255331

[illegible]

Type of meter *Pyrom*  
Date rated *1-4-65* for rod, other  
Meter \_\_\_\_\_ ft. above bottom of weight.  
Spin before meas. *965u* after *975 SA*  
Meas. plots \_\_\_\_\_ % diff. from rating \_\_\_\_\_  
Wading, cable, ice, boat, upstr., downstr., side  
bridge *under* \_\_\_\_\_ feet, mile, above, below  
gauge, and *RR bridge*  
~~Check bar, found~~ *mouth of stream*  
changed to \_\_\_\_\_ at \_\_\_\_\_  
Correct \_\_\_\_\_  
Levels obtained \_\_\_\_\_

Measurement into: excellent (2%), good (2%), fair (3%), poor (over 6%), based on following conditions: Cross section uniform

Flow Steady Weather Clear, dry, normal  
Other \_\_\_\_\_ Air 91.0°F @ 14.15  
Gage 2256 Water 2256 @ 14.19

Record removed 12/2/83 Intake Number 1  
Observer U.S.C.

Observer U.D. 126

Control ..... فہرستہ نمبر .....

Remarks -----

G. H. of zero flow ..... ft.

River at—

30

| Sta. | Dist. from initial point | Width | Depth | Channel description | Revolutions | Time in seconds | VELOCITY |                  | Adjusted for bar. or | Area  | Discharge |  |
|------|--------------------------|-------|-------|---------------------|-------------|-----------------|----------|------------------|----------------------|-------|-----------|--|
|      |                          |       |       |                     |             |                 | At point | Mean in vertical |                      |       |           |  |
| 135  | 15                       | 0     | 0     |                     |             | 13.50           |          |                  |                      | 0     | 0         |  |
| 38   | 3                        | .34   | 10    |                     | 50          | .237            |          |                  |                      | .102  | .024      |  |
| 41   |                          | .34   | 7     |                     | 43          | .201            |          |                  |                      | .102  | .020      |  |
| 46   |                          | .34   | 10    |                     | 43          | .268            |          |                  |                      | .102  | .027      |  |
| 47   |                          | .26   | 10    |                     | 44          | .263            |          |                  |                      | .078  | .021      |  |
| 50   |                          | .28   | 10    |                     | 40          | .285            |          |                  |                      | .084  | .024      |  |
| 53   |                          | .30   | 10    |                     | 49          | .251            |          |                  |                      | .090  | .022      |  |
| 56   |                          | .30   | 10    |                     | 48          | .245            |          |                  |                      | .090  | .022      |  |
| 59   |                          | .32   | 10    |                     | 50          | .237            |          |                  |                      | .096  | .023      |  |
| 62   |                          | .30   | 7     |                     | 49          | .182            |          |                  |                      | .090  | .016      |  |
| 65   |                          | .28   | 7     |                     | 44          | .198            |          |                  |                      | .084  | .017      |  |
| 68   |                          | .32   | 10    |                     | 52          | .230            |          |                  |                      | .096  | .022      |  |
| 71   |                          | .32   | 10    |                     | 51          | .233            |          |                  |                      | .096  | .022      |  |
| 74   |                          | .28   | 10    |                     | 46          | .254            |          |                  |                      | .084  | .021      |  |
| 77   |                          | .26   | 10    |                     | 51          | .233            |          |                  |                      | .078  | .018      |  |
| 80   |                          | .24   | 3     |                     | 40          | .117            |          |                  |                      | .072  | .008      |  |
| 83   | .3                       | .14   | 3     |                     | 54          | .098            |          |                  |                      | .042  | .004      |  |
| 86   | .15                      | 0     | 0     |                     | 14          | 15              |          |                  |                      | 0     | 0         |  |
|      |                          |       |       |                     |             |                 |          |                  |                      | 1.386 | 0.311     |  |
|      |                          |       |       |                     |             |                 |          |                  |                      | 1     | 1         |  |

STATE WATER RIGHTS COM.   
 FERRIS, SOUTH CAROLIA

9-378G  
(Mar. 1972)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

DISCHARGE MEASUREMENT NOTES

Meas. No. \_\_\_\_\_  
Comp. by JHE  
Checked by \_\_\_\_\_

Sta. No. 225. S. 1/2

Effluent from ENP S. Dak  
Date: 12/1

Date June 12, 1974 Party J. H. S. Co.  
Width 2.5 1500

Width 2.5 Area 1.55 Party J. H. E. Co.  
 Method 6, ⑤ No. sec. 7 Vel. 0.61 G. H. — Disch. 0.95  
 Method coef. — Hor. angle coef. — in — hrs. Susp. Red  
 GAGE READINGS  
 Time — Type of — Meter No. 25531

Method coef. \_\_\_\_\_ Hor. angle coef. \_\_\_\_\_ Susp. coef. \_\_\_\_\_ in \_\_\_\_\_ hrs. Susp. \_\_\_\_\_  
 Tm \_\_\_\_\_  
 GAGE READINGS  
 Type of \_\_\_\_\_ Meter No. 255331

[illegible]

Type of meter dry Meter No. 25522  
Date rated 2-4-61 for road, other.  
Meter:

Meter ..... ft. above bottom of weight.

Spin before meas. 9.4 sec. after 9.1 sec.

bless. photo .... % diff. from rating

(Wading, cable, ice, boat, upstr., downstr., side  
bridge ~~2.5 miles~~ feet, mile, above, below  
RAKE and ~~road~~

Check-bar, found *border*

changed to \_\_\_\_\_ at \_\_\_\_\_

Correct \_\_\_\_\_ at \_\_\_\_\_  
 Leve's obtained 24

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section uneven, fair

Flow slow

Flow steady west flow 7 knots air temp 50°  
Other \_\_\_\_\_ Weather partly cloudy

Other \_\_\_\_\_ Weather \_\_\_\_\_  
Gage \_\_\_\_\_

Gage 17221 Air 25.5 Bar @ 1340  
Water 26.1 Bar @ 1340

Record removed 2/2/78 Writer 2/2/78 340  
Observer 2/2/78 Intake flushed U

Control

Remarks

G. H. at zero flow \_\_\_\_\_ ft

|       | Dist. from initial point | Width | Depth | Revolutions | Time in seconds | VELOCITY |                  | Adjusted for hor. angle or ... | Area  | Discharge |
|-------|--------------------------|-------|-------|-------------|-----------------|----------|------------------|--------------------------------|-------|-----------|
|       |                          |       |       |             |                 | At point | Mean in vertical |                                |       |           |
| 2.5   | .15                      | 0     | (C)   | 13          | 30              |          |                  |                                |       |           |
| 2.8   | .3                       | .48   | 6     | 15          | 39              | .414     |                  |                                |       |           |
| 3.1   |                          | .56   |       | 25          | 39              | .460     |                  |                                | .144  | .0602     |
| 3.4   |                          | .62   |       | 30          | 39              | .483     |                  |                                | .168  | .111      |
| 3.7   |                          | .78   |       | 40          | 49              | .829     | "                |                                | .186  | .146      |
| 4.0   |                          | .84   | 6     | 30          | 45              | .685     | "                |                                | .234  | .194      |
| 4.3   | .3                       | .94   | (S)   | 25          | 39              | .660     | "                |                                | .252  | .173      |
| 4.6   | .35                      | .80   | (S)   | 15          | 39              | .414     |                  | .534                           | .292  | .165      |
| w 5.0 | .2                       | 0     | (C)   | 13          | 40              |          |                  | .373                           | .280  | .104      |
|       | 2.5                      |       |       |             |                 |          |                  |                                | 0     | 0         |
|       |                          |       |       |             |                 |          |                  |                                | 1.546 | .0953     |

STATE WATER CONTROL COM.

Mo. No. \_\_\_\_\_

Comp. by JK

Checked by                     

### DISCHARGE MEASUREMENT NOTES

Sta. No. 11  
 Effluent from T.E.F.B. 2000 gals @ month  
 Date June 28, 1974, Party Lockhart  
 Width 5.8 Area 2.14 Vel. CAO G. H. — Disch. 0.86  
 Method 5.6 No. secs. 20 G. H. change \_\_\_\_\_ in \_\_\_\_\_ hrs. Susp. red  
 Method coef. \_\_\_\_\_ Hor. angle coef. \_\_\_\_\_ Susp. coef. \_\_\_\_\_ Meter No. 222591

| GAGE READINGS     |          |        |         |
|-------------------|----------|--------|---------|
| Time              | Recorder | Inside | Outside |
| 0835              | (S)      |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
|                   |          |        |         |
| 0855              | (E)      |        |         |
| Weighted M. G. H. |          |        |         |
| G. H. correction. |          |        |         |
| Correct M. G. H.  |          |        |         |

Type of meter *Hymy*  
Date rated *6-23-69* for rod, other.  
Meter ..... ft. above bottom of weight.  
Spin before meas. *75 sec* after *O.K.*  
Meas. points .... % diff. from rating  
Wading, cable, ice, boat, upstr., downstr., side  
bridge *wading* ..... feet, mile, above, below  
gage, and *R.R.* bridge.  
Check-bar, found .....  
changed to ..... at .....  
Correct .....  
Levels obtained *110*

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section 12 in. - 24 in. uniform bed

Flow uniform Weather Sunny, light winds  
Other \_\_\_\_\_ Air 23.0 °F  
Gage Non-recording Water 22.0 °F

Record removed \_\_\_\_\_ Intake flushed <sup>U</sup>\_\_\_\_\_

Observer \_\_\_\_\_

.....

---

Control .....

.....

Remarks *Drove from rail into pit in RR*

bridge at same elevation but water @ 0.85

.....

.....

G. H. of zero flow ..... H.

EFO:1572-O-481-254

| River at _____ |                          |       |       |         |             |                 |          |                   |                            |       |           |
|----------------|--------------------------|-------|-------|---------|-------------|-----------------|----------|-------------------|----------------------------|-------|-----------|
| Stn.           | Dist. from initial point | Width | Depth | Current | Revolutions | Time in seconds | VELOCITY |                   | Adjusted for bar, angle or | Area  | Discharge |
|                |                          |       |       |         |             |                 | At point | Miles in velocity |                            |       |           |
| 30             | 35                       | 15    | 0     |         | 0           | 0               | 0        |                   |                            | 0     | 0         |
| 31             | 38                       | 3     | .34   | .6      | 5           | 50              | 126      |                   |                            | 102   | .013      |
|                | 4.1                      | 3     | .38   |         | 15          | 42              | .371     |                   |                            | 114   | .042      |
|                | 4.4                      | 3     | .46   |         | 17          | 44              | .182     |                   |                            | 138   | .025      |
| 34             | 4.7                      | 3     | .50   |         | 15          | 40              | .388     |                   |                            | 150   | .058      |
| 35             | 5.0                      | 3     | .40   |         | 20          | 40              | .508     |                   |                            | 120   | .061      |
| 36             | 5.3                      | 3     | .46   |         | 25          | 45              | .561     |                   |                            | 138   | .077      |
| 37             | 5.6                      | 3     | .40   |         | 20          | 40              | .508     |                   |                            | 120   | .061      |
| 38             | 5.9                      | 3     | .42   |         | 20          | 46              | .446     |                   |                            | 126   | .056      |
| 39             | 6.2                      | 3     | .44   |         | 20          | 46              | .446     |                   |                            | 132   | .059      |
| 40             | 6.5                      | 3     | .42   |         | 20          | 44              | .465     |                   |                            | 126   | .059      |
| 41             | 6.8                      | 3     | .42   |         | 20          | 41              | .496     |                   |                            | 126   | .062      |
| 42             | 7.1                      | 3     | .42   |         | 20          | 44              | .465     |                   |                            | 126   | .059      |
| 43             | 7.4                      | 3     | .46   |         | 20          | 42              | .485     |                   |                            | 120   | .058      |
| 44             | 7.7                      | 3     | .40   |         | 20          | 45              | .455     |                   |                            | 120   | .055      |
| 45             | 8.0                      | 3     | .36   |         | 15          | 40              | .388     |                   |                            | 108   | .042      |
| 46             | 8.3                      | 3     | .34   |         | 20          | 47              | .420     |                   |                            | 102   | .043      |
| 47             | 8.6                      | 3     | .30   | .6      | 10          | 45              | .242     |                   |                            | .090  | .022      |
| 48             | 8.9                      | 3.5   | .24   | .5      | 5           | 46              | .134     |                   |                            | .084  | .011      |
| 49             | 9.3                      | 12    | 0     |         | 0           | 0               | 0        |                   |                            | 0     | 0         |
| 50             |                          | 5.8   | ✓     |         |             |                 | ✓        |                   |                            | 2.142 | .0863     |
| 51             |                          |       |       |         |             |                 |          |                   |                            | ✓     | ✓         |
| 52             |                          |       |       |         |             |                 |          |                   |                            |       |           |
| 53             |                          |       |       |         |             |                 |          |                   |                            |       |           |
| 54             |                          |       |       |         |             |                 |          |                   |                            |       |           |
| 55             |                          |       |       |         |             |                 |          |                   |                            |       |           |
| 56             |                          |       |       |         |             |                 |          |                   |                            |       |           |
| 57             |                          |       |       |         |             |                 |          |                   |                            |       |           |
| 58             |                          |       |       |         |             |                 |          |                   |                            |       |           |
| 59             |                          |       |       |         |             |                 |          |                   |                            |       |           |
| 60             |                          |       |       |         |             |                 |          |                   |                            |       |           |

STATE WATER RIGHTS COMMISSION  
PIERRE, SOUTH DAKOTA



[illegible]

Checked by \_\_\_\_\_

Method coef. \_\_\_\_\_ Hor. angle coef. \_\_\_\_\_ Susp. coef. \_\_\_\_\_ Meter No. 255231

Levels obtained *N.S.*.....

61234, 1994

STATE WATER RIGHTS COMMISSION

[illegible]

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

Abs. No. ....  
 Comp. by 7/10  
 Checked by .....

Stilgent from EAFB

Width 3.7 Area 1.97 Vol. 47 G H — 0.00

Method coef. \_\_\_\_\_ Har. angle coef. \_\_\_\_\_ G. H. change \_\_\_\_\_ in \_\_\_\_\_ hrs. Susp.  $\frac{1}{2}$

|               |        |               |           |
|---------------|--------|---------------|-----------|
| GAGE READINGS |        | Ship. coef.   | Meter No. |
| Tie           | Record | Type of meter |           |

Type of meter *Hygrom*  
Date rated *Jan 4 1955* 101 rod, of  
Meter ..... it above bottom of well  
Spin before meas. *25 sec.* after *90*  
Meas. plots ..... % diff. from rating  
Wading, cable, ice, boat, upstr., downstr.,  
bridge *24 ft.* feet, nule, at over,  
base, and *24 ft.*  
Ches-lau, found  
changed to ..... at .....  
Correct  
Length of lead *25*

Pho = Star 14

Other \_\_\_\_\_  
Date 12/20/2013 Air 22.0 °C @ 0'

Record Group 60-1

Water 7.0°F @ 2'

Observer \_\_\_\_\_ Intake flushed 0002

Control Some more

\_\_\_\_\_

Remarks \_\_\_\_\_

4. of zero flow

[illegible]

0-3750  
(Mar. 1972)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

RECEIVED  
JUL 5 1974  
NOTES

DISCHARGE MEASUREMENT NOTES

Sta. No. Site #2 STATE WATER RIGHTS COMM.  
EFFLUENT FROM BAFB, SD. PIERRE, SOUTH DAKOTA

Date July 3, 1926 Party J. H. Eade  
Width 5.8 Area 2.13 Vol. 37 G. H. 26 Disch. 0.72  
Method 6 No. recs. 19 G. H. char. lat in 25 hrs. Surp. Red  
Method conf. \_\_\_\_\_ Har. angle conf. \_\_\_\_\_ Surp. conf. \_\_\_\_\_ Meter No. 25523

[illegible]

Type of meter 2-4-65  
Date rated 2-4-65 for rod, other.  
Meter \_\_\_\_\_ ft. above bottom of weight.  
Spin before meas. 101 Sec. after 90.3 Sec.  
Meas. plots \_\_\_\_\_ % diff. from rating \_\_\_\_\_  
Wading cable, ice, lost upstr., downstr., side  
bridge (2) \_\_\_\_\_ feet, mile, above, below  
area and RR Bridge  
\_\_\_\_\_ bar, found \_\_\_\_\_  
observed to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_

Measurement of particles (2%) poor (over 8%), based on following conditions: Cross section of particles

New York, N.Y., March 1968

Other \_\_\_\_\_ No. 17.0 0740

Temp 14.1 Water 10.0 F @ 0.2

..... Intake flushed 1.2.4.5

Observes .....

\*\*\*\*\*

Control .....

.....

Remarks: It is quite different from the regular tin.

gate system. Sign a change head of

The gate is now closed.

G.H. of zero flow

Handwritten signature: *Handwritten signature*

I think it's ~~spelling~~ ~~correct~~

| Run at— |                         |       |       |               |          |                   |          |                  |                            |      |           |
|---------|-------------------------|-------|-------|---------------|----------|-------------------|----------|------------------|----------------------------|------|-----------|
| Stn     | Tide from initial point | Width | Depth | Current depth | Ry. time | Time in sec. made | VELOCITY |                  | Adjusted for bar. temp. or | Area | Discharge |
|         |                         |       |       |               |          |                   | At point | Mean in vertical |                            |      |           |
| 3.0     | 3                       | 0     |       |               | 6        | 09                | 25       |                  |                            | 0    | 0         |
| 3.6     | 45                      | 34    | (3)   |               | 7        | 44                | 190      |                  | 178                        | 153  | 027       |
| 3.9     | 3                       | 44    |       |               | 5        | 40                | 165      |                  |                            | 132  | 022       |
| 4.2     |                         | 44    |       |               | 5        | 46                | 149      |                  |                            | 182  | 020       |
| 4.5     |                         | 44    |       |               | 15       | 47                | 351      |                  |                            | 132  | 046       |
| 4.8     |                         | 40    |       |               | 10       | 40                | 285      |                  |                            | 120  | 034       |
| 5.1     |                         | 40    |       |               | 10       | 39                | 291      |                  |                            | 120  | 035       |
| 5.4     |                         | 40    |       |               | 25       | 54                | 489      |                  |                            | 120  | 059       |
| 5.7     |                         | 40    |       |               | 15       | 40                | 405      |                  |                            | 120  | 049       |
| 6.0     |                         | 44    |       |               | 20       | 46                | 462      |                  |                            | 122  | 061       |
| 6.3     |                         | 42    |       |               | 20       | 41                | 513      |                  |                            | 126  | 065       |
| 6.6     |                         | 46    |       |               | 20       | 45                | 472      |                  |                            | 138  | 065       |
| 6.9     |                         | 46    |       |               | 20       | 43                | 472      |                  |                            | 138  | 063       |
| 7.2     |                         | 44    |       |               | 20       | 45                | 472      |                  |                            | 132  | 062       |
| 7.5     |                         | 38    |       |               | 20       | 45                | 412      |                  |                            | 114  | 054       |
| 7.8     |                         | 36    |       |               | 15       | 40                | 405      |                  |                            | 108  | 044       |
| 8.1     | 3                       | 36    |       |               | 20       | 49                | 481      |                  |                            | 108  | 057       |
| 8.4     | 35                      | 30    |       |               | 7        | 48                | 185      |                  |                            | 105  | 019       |
| 8.8     | 2                       | 6     |       |               | CR       | 09                | 40       |                  |                            | 0    | 0         |
| 5.8     |                         |       |       |               |          |                   |          |                  |                            | 2130 | 0777      |

7.1500  
 7.2120  
 69 to the 0 surface  
 g.h. increase ~ at during measurement  
 I think because of large inflow more  
 Read one gate. Noticed it first on station  
 5.4 where the velocity increased. Believe  
 flow at 0.69 to the surface should be ~ 9.5 ft

Mass. No.

Comp. 1.5

# DISCHARGE MEASUREMENT NOTES

Checked by

Sta. 54

EFFLUENT FROM EAFB 5.06

Date July 3, 1974 Party J. H. Eade

Width 6.5 Area 5.51 Vol. 24 G. H. -- Disch. 5.17

Method 4.6 No. secr. 18 G. H. change 0 in 25 hrs. Susp. 20

Method coef. \_\_\_\_\_ Hor. angle coef. \_\_\_\_\_ Susp. coef. \_\_\_\_\_ Meter No. 255231

[illegible]

Type of meter Pymg

Date rated 2-4-65 for rod, other:

Meter ..... ft. above bottom of weight.

Spin before meas 93 sec after .....

Meas. plots .... % diff. from rating .....

Wading cable, ice, boat, upstr., downstr., side  
bridge ~~4 poles~~ feet, mile, ~~above~~ below  
rage, and bridge on old ~~it~~

Check-bar, found none.....

changed to ..... at .....

Correct .....

Levels obtained no

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section *uniform*

Flow *Swampy* Weather *P.C.*

Other \_\_\_\_\_

Gage 1200 L

Record removed 100228

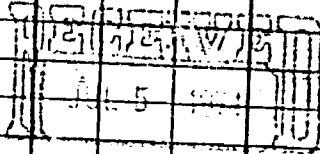
Observer \_\_\_\_\_ Intake flushed none

Control: *Silky* *dear* *of* *1924*

Remarks .....

G. H. of zero flow ..... ft.

| Dist. from intake point | Width | Depth | Time in seconds | VELOCITY |                  | Adjusted for bar, angle or | Area | Discharge |
|-------------------------|-------|-------|-----------------|----------|------------------|----------------------------|------|-----------|
|                         |       |       |                 | As probd | Mean in vertical |                            |      |           |
| 1.5                     | .25   | 0     | 0900            |          |                  |                            | 0    | 0         |
| 2.0                     | .25   | .90   | 20 46           | 1.62     |                  |                            | 360  | 166       |
| 2.3                     | .3    | .94   | 30 28           | 1.61     |                  |                            | 232  | 139       |
| 2.6                     |       | .98   | 40 20           | 1.60     |                  |                            | 294  | 292       |
| 2.9                     |       | 1.16  | 50 41           | 1.22     |                  |                            | 448  | 425       |
| 3.2                     |       | 1.26  | 50 39           | 1.26     |                  |                            | 578  | 472       |
| 3.5                     |       | 1.32  | 50 40           | 1.24     |                  |                            | 696  | 491       |
| 3.8                     |       | 1.38  | 50 42           | 1.14     |                  |                            | 814  | 472       |
| 4.1                     |       | 1.46  | 50 45           | 1.11     |                  |                            | 928  | 446       |
| 4.4                     |       | 1.50  | 40 39           | 1.02     |                  |                            | 1050 | 459       |
| 4.7                     |       | 1.40  | 40 41           | 1.02     |                  |                            | 1180 | 472       |
| 5.0                     |       | 1.36  | 50 46           | 1.04     |                  |                            | 1298 | 446       |
| 5.3                     |       | 1.00  | 40 41           | .872     |                  |                            | 1400 | 472       |
| 5.6                     |       | 1.02  | 30 39           | .762     |                  |                            | 1506 | 446       |
| 5.9                     |       | 1.00  | 40 46           | .880     |                  | 392                        | 1600 | 472       |
| 6.2                     | .3    | .66   | 357 V-          | 1.00     |                  |                            | 198  | 279       |
| 6.6                     | .4    | .52   | 0 70            | 0        |                  |                            | 218  | 0         |
| 7.0                     | .25   | 0     | 0915            |          |                  |                            | 0    | 0         |
| 5.5                     |       |       |                 |          |                  |                            |      | 5.510     |
| 30.5 = A                |       |       |                 |          |                  |                            |      | 5.167     |
| 180 = W                 |       |       |                 |          |                  |                            |      |           |

  
 STATE WATER RIGHTS COM.  
 S.D. SOUTH DAKOTA



[illegible]

REF ID: A66046

**River at—**

| Time | Dist. from shore | Wind | Depth | Direction of surface current | Rate of surface current | Time in net | VELOCITY |                  | Adjusted for barograph | Tide  | Discharge |
|------|------------------|------|-------|------------------------------|-------------------------|-------------|----------|------------------|------------------------|-------|-----------|
|      |                  |      |       |                              |                         |             | At point | Mean in vertical |                        |       |           |
| 2.9  | 15               | 0    | 14    | 25                           |                         |             |          |                  |                        | 0     | 0         |
| 3.2  | 3                | 30   | 15    | 53                           | .317                    |             |          | .285             | .090                   | .026  |           |
| 3.5  |                  | 40   | 20    | 50                           | .427                    |             |          |                  | .120                   | .052  |           |
| 3.8  |                  | 64   | 30    | 46                           | .671                    |             |          |                  | .192                   | .129  |           |
| 4.1  |                  | 78   | 40    | 49                           | .829                    |             |          |                  | .234                   | .194  |           |
| 4.4  |                  | 84   | 40    | 48                           | .846                    |             |          |                  | .252                   | .213  |           |
| 4.7  | 3                | 72   | 20    | 40                           | .525                    |             |          |                  | .216                   | .113  |           |
| 5.0  | 4                | 64   | 7     | 40                           | .215                    |             |          |                  | .256                   | .054  |           |
| 5.5  | .25              | 0    | 14    | 30                           |                         |             |          |                  | 0                      | 0     |           |
|      | 2.6              |      |       |                              |                         |             |          |                  | 1.360                  | 0.781 |           |

406-2

Mr. Vern W. Butler, Secretary  
OFFICIAL OPINION NO. 75-92  
May 27, 1975  
Page 2

The effluent derives from the sewage treatment plant at Ellsworth Air Force Base. It is water that has been treated and purified. The domestic users who desire the effluent will use it for the same purpose as water--irrigating lawns and gardens and watering livestock. It is difficult for me to call the effluent anything but water. It is certainly not anything else. The fact that the water may have some materials suspended or in solution with the water is immaterial. Utah Copper Co. v. Stephen Hayes Estate, 83 Utah 545, 31 P. 2d 624, 629. Similar materials might be found in the waters of Box Elder Creek before the effluent is introduced. Therefore, it is my opinion that the appropriate user may only make diversions when at least one cubic foot per second of water (including effluent) is flowing downstream.

To answer your second question, either the water resources commission or a citizen could file a criminal complaint against the offending user under SDCL 46-1-11. Upon conviction, the user would be guilty of a low grade misdemeanor.

In addition, the Water Resources Commission could request that the Attorney General file suit to determine the conflicting water rights. SDCL 46-10-1 to 46-10-2. Also, citizens may bring suits to adjudicate water rights. SDCL 46-10-5 to 46-10-7. Domestic users may petition for establishment of a water use control area to regulate distribution of water in a given area. SDCL 46-10-14 to 46-10-28.

To answer your third question, the commission has no statutory authority to cancel Water Right Number (406-2). Apparently the only manner in which a water right is forfeited is pursuant to SDCL 46-5-36 and 46-5-37 which provide forfeiture for abandonment or non-use.

Respectfully submitted,

  
WILLIAM J. JANKLOW  
ATTORNEY GENERAL

WJJ:MAG:rw

**South Dakota Department of  
Water & Natural Resources**

Joe Foss Building  
Pierre, South Dakota 57501

(605) 773-3352  
Water Rights Division

NOTICE

April 3, 1981

DeJong Brothers  
Kennebec, SD 57544

SUBJECT: Shut Off Order for W.R. No. 406-2 from Ellsworth Air Force Base Plant Effluent

Dear Leo and Garret DeJong:

The records in the Pennington County Register of Deeds Office indicate that you own or operate lands which have water rights to the flows of the effluent from Ellsworth Air Force Base. This effluent contributes to the flows of Box Elder Creek and helps provide for domestic livestock use downstream. At present we have landowners near New Underwood hauling water for livestock due to the deficient flows in Box Elder Creek.

Because of the low flows in Box Elder Creek, you are hereby ordered that no withdrawals take place from the Ellsworth Air Force Base Effluent for irrigation purposes until January 1, 1982 or until further notice.

Domestic use by law is the highest use of water taking preference over all appropriative rights. These uses must be protected during low flow times such as we are seeing this spring. Unless there is a dramatic change in weather and precipitation conditions, the water supply picture for the Box Elder Creek Basin is bleak.

This order is issued in accordance with South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Please do not hesitate to contact this office if there are any questions.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH/bt

cc: Carter Brothers (Mel and/or Tom)  
Piedmont, SD 57769

*Equal Opportunity Employer*

NO. 406-2

NOTICE OF TRANSFER OF WATER



TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: April 3, 1981

This is to notify you that the title to the lands described as follows:

(see attached Water License)

formerly owned by Eugene H. Donn, Elizabeth F. Wells & Virginia L. Philhower, 2735 Oak Ave.  
has been transferred to DeJong Brothers, Kennebec, SD 57544 Rapid City, SD 57701

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 406-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )  
County of Tripp ) ss.

I, Leo DeJong (DeJong Bros.) being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

DeJong Bros. for Leo DeJong - partner  
(Signed)

Subscribed and sworn to before me this 8th Day of April, 1981.

Richard J. Kuhn  
(Notary Public)

My Commission Expires: 8-14-87

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8174

PIERRE, April 22, 1931

RECEIVED OF DeJong Bros., Kennebec, SD 57544

the following amount in fees for services rendered as provided for by law:

|                                                                                                                    |             |
|--------------------------------------------------------------------------------------------------------------------|-------------|
| Fee for Application for Permit to Appropriate Water No. .... (examination, processing, recording and filing) ..... |             |
| Fee for Inspecting Construction, and Issuing Cert. of Construction No. ....                                        |             |
| Fee for Inspecting Beneficial Use, and Issuing Water License No. ....                                              |             |
| Fee for Issuing Location Certificate-Dry Draw, No. ....                                                            |             |
| Fee for filing transfer of WR# 406-2 .....                                                                         | 2.50        |
| Fee for certified copy of .....                                                                                    |             |
| Fee for Print copy of map .....                                                                                    |             |
| Fee for Certifying .....                                                                                           |             |
| Fee for (any other work as provided by law) .....                                                                  |             |
| <b>TOTAL</b>                                                                                                       | <b>2.50</b> |

WATER RIGHTS COMMISSION

By *John Hatch*  
Chief Engineer, Executive Officer

(JOHN HATCH / dt)

 **Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3131

February 8, 1989

LEO DEJONG  
DEJONG BROTHERS  
HCR 81 BOX 50  
KENNEBEC, SD 57544

**NOTICE**

**RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire**

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 406-2, 407-2, 408-2, 409-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

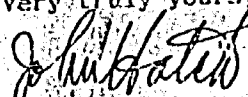
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 406-2, 407-2, 408-2, 409-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352



923-3659

406-2

1988 Irrigation Questionnaire for Permit # 406-2  
PE/AC

|                      |                  |              |                      |
|----------------------|------------------|--------------|----------------------|
| <u>Type of Power</u> | <u>No. Acres</u> | <u>Month</u> | <u>Days per week</u> |
| Diesel               | 318              | June         | 6                    |

|                          |                       |             |
|--------------------------|-----------------------|-------------|
| <u>Ave. hrs. per day</u> | <u>Ave. Pump Rate</u> | <u>Crop</u> |
| 23                       | 3500                  | Glass       |

|              |                   |                       |
|--------------|-------------------|-----------------------|
| <u>Acres</u> | <u>Water Used</u> | <u>Type of Septic</u> |
| 318          | 20,700,000        | Flood                 |

Leo DeJong Estate  
231 Burdick Dr.  
Box Elder, So. Dak.  
57719

Gary R. DeJong,  
Manager





# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 24, 1989

406-2

Gary DeJong  
231 Gumbo Drive  
Box Elder, SD 57719

Dear Mr. DeJong:

Enclosed, as we discussed, is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 406-2. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH  
Natural Resources Analyst  
605 773-3352

enclosure

 **Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

March 7, 1989

406-2

Leo DeJong Estate  
%Gary R DeJong  
231 Gumbo Drive  
Box Elder, SD 57719

Dear Mr. DeJong:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Right No. 406-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire (originally sent to DeJong Brothers). Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

August 29, 1989

Second Notice  
Water Right No. 406-2

Gary DeJong  
231 Gumbo Drive  
Box Elder, SD 57719

Dear Mr. DeJong:

On February 24, 1989, notice was sent to you concerning the transfer of Water Right No. 406-2 in the name of DeJong Brothers. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

DELVIN D. BROSZ, P.E.  
Hydrologist  
for John Hatch, Chief Engineer  
Water Rights Division

enclosure



**SENDER:** Complete items 1 and 2 when additional services are desired, and on the back of the card from being returned to you. The return receipt will be sent to you by the postmaster for first class and check boxes for additional services.

1. ☒ Show to whom delivered, date, and addresser's address.

2. Article Addressed to:

Gary DeJong  
231 Gumbo Drive  
Box Elder SD 57719

5. Signature - Addressee

*Gary DeJong*

6. Signature - Agent

X

7. Date of Delivery

Always return address to postmaster if agent and fee paid.

8. Addressee's Address (if different from above)

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

**South Dakota Department of  
Water & Natural Resources**

Jon Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181



September 7, 1989

406-2

Gary R DeJong  
231 Gumbo Drive  
Box Elder, SD 57719

Dear Mr. DeJong:

This letter will acknowledge receipt of the "Notice of Transfer" you submitted for use in filing an ownership change on Water Right No. 406-2. The form was completed properly, however can not be processed without the \$2.50 filing fee.

Please remit the \$2.50 filing fee as soon as possible. If you have any questions, please contact me.

Sincerely,

GENNY MCMATH  
Natural Resources Analyst



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 9/1/89

This is to notify you that the title to the lands described as follows:

NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$  Section 26, SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$  Section 27,

T2N, R9E

formerly owned by DeJong Brothers

has been transferred to GARY R. DeJong, 231 Cambridge, Box Elder, SD  
(please include complete mailing address) 57719  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~xxxx~~ No. 406-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fee as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )  
County of Pennington ) ss.

I, Gary R. DeJong being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Gary R. DeJong  
(Signed)

Subscribed and sworn to before me this 1 Day of September, 1989.

Brenda L. Band  
(Notary Public)

NOT COMMISSIONED UNTIL MAY 11, 1995

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411921

Pierre, September 25, 1936

RECEIVED OF DeJong Ranch, 231 Gumbo Drive, Box Elder, SD 57719

the following amount in fees for services rendered as provided for by law:

|                                                                                                                            |  |      |
|----------------------------------------------------------------------------------------------------------------------------|--|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ |  |      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |  |      |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                     |  |      |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                        |  |      |
| Fee for Filing Transfer Form <u>406-2</u>                                                                                  |  | 2 50 |
| Fee for Filing Extension Request _____                                                                                     |  |      |
| Fee for Certified Copy of _____                                                                                            |  |      |
| Fee for Print Copy of Map _____                                                                                            |  |      |
| Fee for Certifying _____                                                                                                   |  |      |
| Fee for _____<br>(Any Other Work Provided by Law)                                                                          |  |      |
| Total                                                                                                                      |  | 2 50 |

By John Hatch/mra  
Chief Engineer John Hatch/mra

 **Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

September 29, 1989

406-2

Gary R. DeJong  
231 Gumbo Dr.  
Box Elder SD 57719

Dear Mr. DeJong:

Enclosed is receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 406-2.

Our records now show you as the owner of this Water Right.

Sincerely,

*Karen Schlaak*

KAREN SCHLAACK  
Senior Secretary  
605 773-3352

enclosures





# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 9, 1990

GARY R DEJONG  
231 GUMBO DRIVE  
BOX ELDER, SD 57719

## NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 406-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 406-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

**SOUTH DAKOTA** Department of  
**Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

March 14, 1990

406-2

Gary DeJong  
231 Gumbo Drive  
Box Elder, SD 57719

Dear Mr. DeJong:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 406-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

*Ron Duvall/ma*

RON DUVALL  
Natural Resources Engineer  
Water Rights Division



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

November 8, 1990

406-2

Patrick Foley  
Black Hills Realty  
2025 Jackson Blvd  
Rapid City, SD 57702

Dear Mr. Foley:

Enclosed, as you requested, is a copy of Water Right No. 406-2, listed in the name of Gary DeJong. Also enclosed are microfilm copies of the 1985 thru 1989 irrigation questionnaires pertaining to Water Right No. 406-2. If you need copies of questionnaires for years prior to 1985, please let me know.

If you have any questions concerning the enclosed information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

CARY R DEJONG  
231 GUMBO DRIVE  
BOX ELDER SD 57719

**NOTICE**

**RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire**

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 406-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 406-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 4, 1992

406-2

Gary R DeJong  
426 E Fairmont Blvd #8  
Rapid City, SD 57701-7298

Dear Mr. DeJong:

Enclosed is a Notice of "Violation of the Requirement to Submit the 1991 Irrigation Questionnaire". The Notice was mis-sent to your old address and returned to us by the Post Office.

If you have any questions, please contact us.

Sincerely,

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosure

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                     |                                  |                                               |                              |                                       |                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------|-----------------------------------------------|------------------------------|---------------------------------------|---------------------------------------------------------|
| <p>● <b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.</p> <p>Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge)      2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                     |                                  |                                               |                              |                                       |                                                         |
| <p>3. Article Addressed to: <b>406-2</b></p> <p>Gary R. DeJong<br/>426 E. Fairmont Blvd. #8<br/>Rapid City, SD 57701-7298</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>4. Article Number<br/><b>P 347 158 281</b></p> <p>Type of Service:</p> <table border="0"> <tr> <td><input type="checkbox"/> Registered</td> <td><input type="checkbox"/> Insured</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified</td> <td><input type="checkbox"/> COD</td> </tr> <tr> <td><input type="checkbox"/> Express Mail</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> </table> <p>Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b></p> | <input type="checkbox"/> Registered | <input type="checkbox"/> Insured | <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD | <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Registered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Insured                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                     |                                  |                                               |                              |                                       |                                                         |
| <input checked="" type="checkbox"/> Certified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> COD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                     |                                  |                                               |                              |                                       |                                                         |
| <input type="checkbox"/> Express Mail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Return Receipt for Merchandise                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                     |                                  |                                               |                              |                                       |                                                         |
| <p>5. Signature — Addressee<br/><b>X. Gary R. DeJong</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>8. Addressee's Address (ONLY if requested and fee paid)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                                  |                                               |                              |                                       |                                                         |
| <p>6. Signature — Agent<br/><b>X.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                     |                                  |                                               |                              |                                       |                                                         |
| <p>7. Date of Delivery<br/><b>2-5-62</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                     |                                  |                                               |                              |                                       |                                                         |

PS Form 3811, Apr. 1969

DOMESTIC RETURN RECEIPT

Water Rights Division -DENR  
Conversation or File Documentation

File No. 406-2

NAME OF PERSON OR FILE: Lou DeJong

ADDRESS: 426 E Fairmont Blvd #8, Rapid City, SD COUNTY: PE

DATE: March 17, 1992

TELEPHONE:

RE: Irrigation Questionnaire for Water Right No. 406-2

COMMENTS:

Mr. DeJong called for (Gary DeJong) about the 1991 irrigation questionnaire. He was in the process of trying to fill it out and indicated he was unable fill in the "water used column" because they did not pump. He stated they use water from Ellsworth AirForce Base Effluent. The water is diverted thru gated pipes but they have no measuring device.

I told him that if his irrigation system was strictly waterspreading, he would not be required to submit yearly irrigation questionnaires. He will be returning the 1991 questionnaire with comments relative to our discussion. I told him that I would take Water Right No. 406-2 off of the irrigation questionnaire mailing list.

*Gary M. Math.*  
*Natural Resource Analyst*

PLEASE FILL OUT AND RETURN  
BEFORE DECEMBER 20, 1991

406-2

Lou D. Jong, operator  
HC 82 Box 2018  
Box Elder, SD 57719

Telephone No. \_\_\_\_\_

| Type of Power            | No. of acres Irrigated |
|--------------------------|------------------------|
| 1. Electric              | _____                  |
| 2. Gravity               | 30                     |
| 3. Gasoline              | _____                  |
| 4. Nat. Gas pipeline     | _____                  |
| 5. Diesel                | _____                  |
| 6. Propane               | _____                  |
| 7. Other                 | _____                  |
| Type of System           | _____                  |
| 1. Hand moved sprinklers | _____                  |
| 2. Portable booms        | _____                  |
| 3. Center pivots (# of)  | _____                  |
| 4. Gated pipes           | 30                     |
| 5. Sidewheels            | _____                  |
| 6. Towlines              | _____                  |
| 7. Big gun               | _____                  |
| 8. Siphons               | _____                  |
| 9. Flood                 | _____                  |
| 10. Other                | _____                  |

Owner or address change, if any: \_\_\_\_\_

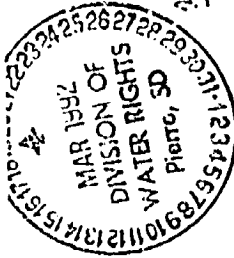
# OCTOBER 1991 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

1. SURFACE WATER ☒ GROUNDWATER \_\_\_\_\_
2. Did you irrigate during 1991? Yes ☒ No \_\_\_\_\_
3. Number of acres irrigated in 1991 30
4. Has your system been constructed? Yes ☒ No \_\_\_\_\_
5. Do you apply fertilizer, insecticide or herbicide through your irrigation system? Yes \_\_\_\_\_ No ☒
6. If no, do you apply above chemicals by other methods? Yes \_\_\_\_\_ No ☒
7. If yes, please describe under comments.

| Months       | # days | Average # hours per day | Average pump rate (gpm) | Acres of Crop Irrigated & Estimated Water Use |       |            |
|--------------|--------|-------------------------|-------------------------|-----------------------------------------------|-------|------------|
|              |        |                         |                         | Crop                                          | Acres | Water Used |
| April        |        |                         |                         |                                               |       |            |
| May          |        |                         |                         |                                               |       |            |
| June         |        |                         |                         |                                               |       |            |
| July         | 7      | 12 hrs                  |                         |                                               |       |            |
| August       | 7      | 12 hrs                  |                         |                                               |       |            |
| Sept.        | 7      | 12 hrs.                 |                         |                                               |       |            |
| Oct.         |        |                         |                         |                                               |       |            |
| Other Months |        |                         |                         |                                               |       |            |

COMMENTS: Our system is free flowing from east cell of Box Elder sewer lagoon. We use gated pipe on hand leveled ground. There is no pumping done it is all gravity flow. I really have no way of measuring how much water is used

Complete & return to:  
Water Rights Division  
Joe Foss Building  
523 E Capitol  
Pierre SD 57501-3181



406-2

PAGE 1

OWNER MAILING ADDRESSES

DATE: 06/20/02

BOOK/ PAGE

|               |                               |                                    |                                     |            |
|---------------|-------------------------------|------------------------------------|-------------------------------------|------------|
| 0019010       | CITY OF BOX ELDER             | 2N-09E SEC. 26                     | 38.50 ACRES LOCATED IN THE N1/2     |            |
| NO 0 1DBF     |                               |                                    |                                     |            |
| 22 26 100-001 | N/A                           |                                    |                                     | AC= 38.500 |
| 0040934       | CITY OF BOX ELDER             | 2N-09E SEC. 26                     | TRACT A                             | 31 7676    |
| NO 0 1DBF     |                               |                                    |                                     |            |
| 22 26 100-002 | N/A                           |                                    |                                     | AC= 3.910  |
| 0040935       | CITY OF BOX ELDER             | 2N-09E SEC. 26                     | TRACT B                             | 31 7676    |
| NO 0 1DBF     |                               |                                    |                                     |            |
| 22 26 100-001 | N/A                           |                                    |                                     | AC= .920   |
| 0040936       | CITY OF BOX ELDER             | 2N-09E SEC. 27                     | TRACT A                             | 31 7676    |
| NO 0 1DBF     |                               |                                    |                                     |            |
| 22 27 200-001 | N/A                           |                                    |                                     | AC= 1.910  |
| 0015330       | GIRLING, WILLIAM C & SHARON K | 2N-09E SEC. 26                     | S1/28W1/4, S1/28E1/4                | 71 352     |
| CD            | 1005 BEAL ST                  |                                    |                                     |            |
| 22 26 100-001 | RAPID CITY, SD 57703          |                                    |                                     | AC=160.000 |
| 0015330       | NORWEST BANK SD               | LEGAL SAME AS ABOVE                |                                     | 80 6429    |
| CD            | PO BOX 1040                   |                                    |                                     |            |
|               | RAPID CITY, SD 57709          |                                    |                                     |            |
| 0040936       | GIRLING, WILLIAM C & SHARON K | 2N-09E SEC. 26                     | N1/2 LESS TRACT A & B & 38.5 ACRES; | 64 2656    |
| AA 0 1DBF     | 1005 BEAL ST                  | N1/28E1/4, LESS ROW                |                                     |            |
| 22 26 200-001 | RAPID CITY, SD 57703          |                                    |                                     | AC=418.320 |
| 0015332       | GIRLING, WILLIAM C & SHARON K | 2N-09E SEC. 27                     | E1/2NE1/4&W1/4                      | 64 2656    |
| AA 1 1DBF     | 1005 BEAL ST                  |                                    |                                     |            |
| 22 27 300-001 | RAPID CITY, SD 57703          |                                    |                                     | AC= 20.000 |
| 0015333       | GIRLING, WILLIAM C & SHARON K | 2N-09E SEC. 27                     | E1/2NE1/4&W1/4                      | 71 352     |
| CD            | 1005 BEAL ST                  |                                    |                                     |            |
| 22 27 300-002 | RAPID CITY, SD 57703          |                                    |                                     | AC= 20.000 |
| 0015333       | NORWEST BANK SD               | LEGAL SAME AS ABOVE                |                                     | 80 6429    |
| CD            | PO BOX 1040                   |                                    |                                     |            |
|               | RAPID CITY, SD 57709          |                                    |                                     |            |
| 0015334       | GIRLING, WILLIAM C & SHARON K | 2N-09E SEC. 27                     | E1/28E1/4                           | 71 352     |
| CD            | 1005 BEAL ST                  |                                    |                                     |            |
| 22 27 400-001 | RAPID CITY, SD 57703          |                                    |                                     | AC= 60.000 |
| 0015334       | NORWEST BANK SD               | LEGAL SAME AS ABOVE                |                                     | 80 6429    |
| CD            | PO BOX 1040                   |                                    |                                     |            |
|               | RAPID CITY, SD 57709          |                                    |                                     |            |
| 0040933       | GIRLING, WILLIAM C & SHARON K | 2N-09E SEC. 27                     | N1/2 LESS TRACT A & RTY; N1/2SW1/4; | 64 3656    |
| AA 1 1DBF     | 1005 BEAL ST                  | N1/2E1/2&W1/4; N1/28E1/4, LESS ROW |                                     |            |
| 22 27 100-001 | RAPID CITY, SD 57703          |                                    |                                     | AC=126.250 |

|                        |                |              |              |
|------------------------|----------------|--------------|--------------|
| Post-It® Fax Note 7671 |                | Date 6/20/02 | # of pages 1 |
| To Karen               | From Denise    |              |              |
| Co/Dept.               | Co. Penn Co    |              |              |
| Phone #                | Phone #        |              |              |
| Fax # 605-773-4068     | Fax # 794-2676 |              |              |



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

June 24, 2002

William C & Sharon Gikling  
3005 Deal St.  
Rapid City SD 57703

Dear Mr. & Mrs. Gikling:

Water Right No. 406-2 formerly owned by Gary DeJong authorizes irrigation from Ellsworth Air Base Treatment Plant effluent of 318 acres located in portions of Section 26 & 27, T2N-R9E. After talking with the Pennington County Director of Equalization office, it appears that you may own portions of this land.

Enclosed is copy of a map with the land in question outlined. Do you own this property or portions of this property and if so, do you irrigate any of it? If you do irrigate then the water right should be transferred to you. Any assistance you can give us regarding ownership of this land would be appreciated. Enclosed is a postage prepaid envelope for your response.

If you have any questions, please contact me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352

enclosures

July 24, 2002

RECEIVED  
JUL 29 2002  
WATER RIGHTS  
PROGRAM

Karen Schlaak  
Water Rights Program  
Dept. of Environment & Natural Resources  
523 East Capitol  
Pierre, SD 57501-3182

Re: Water Rights

Ms. Schlaak:

I purchased the land owned by Gary DeJong and all rights that go with it. Enclosed are copies of the county assessment notices showing land ownership.

Yes, we are irrigating. Water has been short.

Would you please let me know what I have to do to get water right #406-2 in my name and also some details about the project?

Thank you.

Sincerely,

*Bill Gikling*

Bill Gikling

*William C. Gikling*

---



July 30, 2002

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

William C. Gikling  
3005 Deal St.  
Rapid City SD 57703

Dear Mr. Gikling:

Thank you for your response regarding ownership of Water Right No. 406-2. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 406-2.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

Enclosed is a copy of Water License No. 406-2 as well as an information letter we sent to all water right holders in June, 2002. Also, enclosed is the information submitted with your letter for your records. If you have any questions, please contact me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352

enclosures

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

417268

Pierre, August 7, 2000

RECEIVED OF William C. Gillette, 3005 Pearl St., Rapid City SD 57703  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                      |   |    |
|----------------------------------------------------------------------------------------------------------------------|---|----|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____ |   |    |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____                                  |   |    |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                               |   |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                  |   |    |
| Fee for Filing Transfer Form <u>402-7</u>                                                                            | 2 | 50 |
| Fee for Filing Extension Request _____                                                                               |   |    |
| Fee for _____                                                                                                        |   |    |
| _____                                                                                                                |   |    |
| _____                                                                                                                |   |    |
| (Any Other Work Provided by Law)                                                                                     |   |    |
| <b>Total</b>                                                                                                         | 2 | 50 |

By David A. White  
Chief Engineer

## NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181

RECEIVED

AUG - 7 2002

WATER RIGHTS  
PROGRAM

No. 406-2

Date: \_\_\_\_\_

I/We request that Water Right/Permit No. 406-2

formerly owned by: Gary DeJong

be transferred to: (name & address) William C. Gikling  
3005 Beale St.  
Rapid City S.D. 57703 Telephone No. 605-343-7423

Title to the following described land(s)/property has been transferred as described above:

318 acres - N 1/2, N 1/2 SW 1/4, N 1/2 SE 1/4 Section 26 and SE 1/4 NW 1/4, NE 1/4 SW 1/4, NE 1/4, N 1/2 SE 1/4  
Section 27; all in T2N-R9E

I/We understand that the validity of Water Right/Permit No. 406-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We William C. Gikling, the new owner, certify that the above information is true and correct.

William C. Gikling  
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3192  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

August 7, 2002

406-2

William C Gikling  
3005 Beale St  
Rapid City, SD 57703

Dear Mr. Gikling:

Thank you for following up on the ownership change for Water Right No. 406-2. The transfer has been completed. The water right formerly listed in the name of Gary DeJong is now listed in your name.

Enclosed is your Receipt No. 417268 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosure